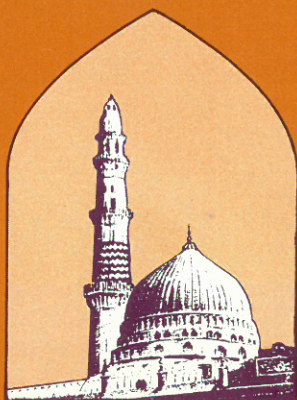


MUSLIM COMMUNITIES

IN NON-MUSLIM STATES



Islamic Council of Europe

The Organisation of Islamic Conference
and the Islamic Solidarity Fund
have contributed towards publication of this book.

MUSLIM COMMUNITIES
In Non-Muslim States

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Islamic Council of Europe



الجلسة الإسلامية في أوروبا

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Introduction

Salem Azzam

Almost one-third of the total population of Muslims in the world today lives as a “minority” in lands where people of other faiths, creeds and ideologies have administrative, political and legislative control. As a religious minority, these Muslims face certain difficulties and challenges in practising their own religion, Islam, which has its own distinct way of life. In some of the countries, the non-Muslim majority communities, suspicious of the special identity of Muslim minorities, either force them to give up their religious values and practices, or create conditions aimed at a similar end. In others, a variety of political, economic, social and cultural factors and circumstances tend to impede their harmonious progress and development, and drastically curtail or limit the avenues open to them for making a fuller contribution to the country to which they belong and where they have been living for centuries.

Throughout history, Muslims have tried to follow Islamic values. Muslim states have meted out in the past, and continue to mete out today, the same treatment to non-Muslims in almost all respects. The followers of Islam are, therefore, justified to expect that they would get just and fair treatment at the hands of non-Muslim majorities. As the Assistant Secretary General of the United Nations, H.E. Mr. Issoufou S. Djermakoye, has noted in his paper in this volume, “It is a basic command of

Islam through the Holy Qur'an and the Sunnah, that justice in the exercise of authority should be absolute; discrimination is utterly condemned, be it on ground of religion, race, colour, kinship or even hostility". Indeed as explained by Dr. Ismail Faruqi in his paper, "In Islam . . . the non-believer is rehabilitated as God's creature endowed with natural religion, historical revelation identical with Islam's, and, if he is a Jew or a Christian, as a possessor of the same tradition of revelation as the Muslim".

But one has to face the fact of life that in almost every part of the world, Muslim minorities are facing difficulties. Even in the advanced world of Western Europe and North America, as Mr. A. K. Brohi has pointed out, while "many Westerners are prepared to show tolerance to all religions . . . they cease to be tolerant and even say unkind things about the Prophet of Islam (Peace be upon him) and his teachings". Also in the non-Western world, in a large number of states the situation of the Muslim minorities is very difficult indeed. In Burma, for instance, as Mr. S. S. Pirzada has stated, Muslims have been prevented in the recent past from going to Mecca to perform Haj. Similarly, in the Philippines, the five million Muslims, who are largely concentrated in the group of four islands in the South, have been undergoing great hardships. In India, where the Muslim minority is the largest in any non-Muslim country, according to Mr. Ebrahim Sulaiman Sait, they "have been harbouring a feeling of insecurity as regards the maintenance of their separate identity as a Muslim community". In several states of Soviet Asia, as Dr. H. H. Bilgrami has pointed out, because of Government policies, young Muslims today hardly know how a Muslim lives and what are the basic teachings of Islam. Even the Holy Qur'an has been translated in a way to strengthen the Communist ideology.

The constraints and sufferings faced by the Muslim minorities in non-Muslim states have been a matter of deep

concern to Muslim states for quite some time. As the former Secretary General of the Organisation of Islamic Conference, H.E. Dr. Amadou Karim Gaye argued, "all actions which aim at safeguarding the Islamic ideology and strengthening the cultural identity of these communities have to be taken within the framework of their national societies and without prejudice to the fact that each one of them forms part of another determined political identity".

It was in this context, to examine the problems faced by the Muslim minorities, that the Organisation of the Islamic Conference, Jeddah, sponsored and the Islamic Solidarity Fund financed an international seminar which was organised in London by the Islamic Council of Europe in July, 1978. Scholars were invited to this seminar from both Muslim minority and Muslim majority states, to examine the different aspects of the problem and to suggest their solutions.

The papers which were presented at the seminar can be broadly divided into two categories:— (a) those which deal with the conceptual framework for analysis of the problems and, (b) those which describe the actual living conditions of the Muslim minorities. Some of the papers relating to the first category are included in this volume.

It will be noticed that three ideas prominently figure in the papers in this volume. One, a great deal of effort has to be made to provide Islamic education to Muslim minorities; two, minorities should learn to stand on their own feet; and three, prosperous Muslim states should provide financial and other kinds of assistance, wherever it is needed, to Muslim minorities in different parts of the world. A close examination will show that all these three kinds are inter-linked.

The requirements of education of the Muslim minorities are different from region to region. The most challenging situation is of course faced by Muslims in the Communist countries. For instance in the USSR, the Muslim population has to be

educated afresh in the basic teachings of Islam. In some of the developing countries, especially in Africa, Muslim minorities will only be able to retain their identity if the Muslim world provides significant assistance for their education. A concerted programme for this purpose is therefore urgently needed. However, it is obvious that such a programme will not work in the Communist and some other states where the need to educate the Muslims is greater than elsewhere: assistance to Muslims in these states will have to take other forms, some of which have been discussed by Dr. H. H. Bilgrami in his paper on the educational needs of Muslim minorities.

In the Western world, the problem is how to combine religious instruction with secular education. The real need is to impart Islamic education to children who are at school all day. Indeed, while effort should be made to persuade local authorities to allow the teaching of Islam in the school system, there is the need and the opportunity for Muslim countries and governments to coordinate their resources in helping the local Muslim population in each area to establish special educational facilities. Neighbourhood classes could be organised not only for the younger generation of Muslims outside their school hours, but also for the adults, men as well as women, to enable them to attend these classes outside their own hours of work. Such an educational programme may also include visits of teachers, scholars and *ulema* from all parts of the Muslim world, who may join the local Muslim population in organising refresher courses, special theme lectures, seminars and discussion groups.

Alongside religious education, serious thought needs to be given to the economic well-being of the Muslim minorities. One of the problems that they face is discrimination, sometimes by just being a minority, (as Muslim migrants in Western Europe and Scandinavia), and sometimes because of their faith, (as in the case of Muslims in the U.S.S.R.). To ward off discrimination

and to increase employment opportunities, Mr. Khalid M. Ishaque has suggested that the Muslim minorities should "develop sophistication in trades and industries". He has also suggested the setting up of international investment bodies of Muslims which could, in terms of strict economic feasibility, support on short, medium or long-term basis, investment in particular types of ventures. The importance of assistance for material well-being is apparent from the fact that only when the Muslim minorities have attained a decent living standard, can they become independent of foreign assistance and become respectable citizens of the society of their settlement.

Specifically in the context of India, Dr. Syed Z. Abedin says that "the Muslims should seek a new definition of Islamic culture which spells out clearly its doctrinal base". And for a fresh understanding of Islam, Dr. Abedin feels that the Muslims of India "need the assistance of the Muslim world". This applies to Muslim minorities in other countries as well.

There is thus a consensus on the need to assist Muslim minorities in all parts of the world. In some states the assistance required is in the form of finance, in others only in the form of ideas, while in some both kinds of assistance are desperately needed.

In the end I wish to express my gratitude to all those who contributed so whole-heartedly to the success of the Seminar, including the learned participants themselves as well as the organisations and institutions which offered expertise and assistance. In particular I should like to thank H.E. Dr. Amadou Karim Gaye, former Secretary General of the organisation of Islamic Conference, who extended valuable advice and help, and delivered a highly thought-provoking address at the Seminar. I am also grateful to Dr. Ezzeddin Ibrahim, Chairman of the Islamic Solidarity Fund, for his very kind cooperation. Mr. Zafarul Islam, Assistant Secretary General of the Organisation of Islamic Conference, contributed

many ideas in developing a framework for the discussions. Among my own colleagues at the Islamic Council of Europe, I am indebted to Mr. Muazzam Ali who worked indefatigably to ensure its coordinated progress at various stages. Considerable ground work for the Seminar was accomplished by Mr. Mukarram Ali. Dr. Muhammad Anwar and Mr. Jalal Uddin Ahmed have assisted in the editing and production of this publication.

A companion volume is currently under preparation, and will be published shortly. It would comprise research surveys of Muslim minorities in Europe as well as in some other parts of the world.

Muslim Minorities: A Framework*

Mr. Amadou Karim Gaye

The problems of Muslim Minorities are indeed of immense and primordial importance for the entire 'Ummah'. 300 million Muslims out of 900 million live, as minorities, in non-Muslim countries. Thus one-third of the 'Ummah' takes a particular character. Well organised and strong, this one-third can help to spread the message of Islam throughout the world and can constitute a source of support in case of serious crisis. Weak, it would be threatened with destruction and would, consequently, bring in its wake irreparable loss to the Muslim World.

It was in consciousness of this reality that the Permanent Council of the Islamic Solidarity Fund decided to include a seminar on Muslim minorities in its programme of seminars on important questions facing the Muslim World.

It is pertinent to point out here that the theme of the immediately preceding seminar in this series, which was held at Niamey, in the Republic of Niger, was: "The Rights, Liberties and Dignity of Man in Islam".

For, the question of fundamental human rights, particularly those of minority groups within large multi-ethnic, multi-

*This paper is mainly based on the inaugural address delivered by Mr. Gaye at the seminar.

cultural and multi-religious states, is one of concern throughout the world today. We cannot but welcome this development, but we have to find out what these fundamental rights are.

We have to understand how the West conceives of them and how they have evolved. We have to determine how these rights are translated into legal and constitutional provisions, and, in particular, how these can be invoked to safeguard the rights of Muslim minorities.

At the same time, we should put forward the Islamic concept of human rights, emphasize the similarities and the differences between this concept and the ones prevailing in the West and highlight the guarantees which are offered to non-Muslim minorities in Islamic countries. Also it is important to know the laws and regulations which can concretely reflect Muslim concern with regard to all these matters. If we succeed in finding adequate solutions to these problems, we will have given a new dimension to the present debate over the question of human rights in a decade for Action to Combat Racism and Racial Discrimination launched in November, 1973.

The programme of the seminar devotes an important place to this aspect, as well as all other aspects of the problem of Muslim minorities. Thus, the following subjects will be broached during the discussions:

- A conceptual framework for the analysis of Muslim minorities problems,
- The concept of human rights in Islam and the rights of non-Muslims,
- Evolution of the concept of human rights in the West and its implications for present day Muslim minorities,
- Current status of constitutional rights and religious and cultural freedom in selected non-Muslim countries,
- Economic, political and social issues specific to Muslim minorities by virtue of their adherence to Islam,

- Problem of cultural identity,
- Educational needs of Muslim minorities,
- Islamic education of Muslim minorities: role and responsibility of Muslim countries,
- Also, we will study the living conditions of the Muslim minorities.

Some of these problems affect Muslim countries as well as all Muslim minorities of African States, Asia, Australia, the United States, Canada, Latin America, Japan, China, the Soviet Union, West Europe, and the Balkans.

I would like to hark back to the 'Ummah' for a moment. The 'Ummah', as we know, consists both of the people of the Muslim countries as well as of the Muslim minority communities of the non-Muslim countries. The former have the advantage, besides the fact that they belong to Islam, of possessing a territory where they exercise sovereignty. This advantage is denied to the latter. Consequently, the preservation and the strengthening of their cultural identity and the safeguarding of their Islamic Ideology have to be the principal objectives of our action. We cannot forget, however, that each of these communities forms part of another determined political entity and that it lives within a social environment which is usually un-Islamic

Some of these communities live in an atmosphere of relative tolerance, others suffer from an atmosphere which is not propitious for the practice of their religion and their culture. But in either of the two cases, these communities are not enclaves on foreign soil. They remain nationals of their own countries. Their habits, attitudes, customs, languages and aspirations are similar to those of their compatriots. In other words, their destinies are closely linked with those of the majorities. Consequently, one cannot over-emphasize the

necessity of giving due importance to the social environment in which each one of the Muslim minority communities lives.

All actions which aim at safeguarding the Islamic Ideology and strengthening the cultural identity of these communities have to be taken within the framework of their national societies and without prejudice to the fact that each one of them belongs to its own country.

I should like to underline in this context that the Organisation of the Islamic Conference has always respected these principles. The case of the Muslims of the Southern Philippines is an adequate testimony to this fact. In this case, in spite of all the difficulties that we have encountered, we have tried to find a just and satisfactory solution to the problems being faced by Muslims there within the framework of the sovereignty and territorial integrity of the country concerned.

It has to be recognised that there are certain specific problems which are special to the Muslim minority communities. Some of these problems arise from the perception on their part that they are bearers of a universal message. Consequently, they play the role of an ideologically motivated group. In other words, the very adherence of the Muslim minorities to Islam gives rise to certain questions which are peculiar to them.

In the matter of their relations with their compatriots in non-Muslim countries, what are, for example, the consequences for the Muslim minorities of their total adherence to the Islamic precepts and education? What sort of attitude can they adopt in a country where freedom of worship is impeded? There are several other questions to which it is important to find answers keeping in mind the constraints we are living through.

The answers to these questions will enable us to map out a clear policy and to draw up a concrete long term plan to ensure the welfare of the Muslim minorities and to guarantee their effective contribution to the common action of the 'Ummah'.

Such an undertaking fundamentally meets the aims which

the Organisation of the Islamic Conference assigns to the Islamic Solidarity Fund. It is indeed in this spirit that the Fund assists Muslim countries and Muslim minorities throughout the world in the spiritual, cultural and social fields. It helps to promote the intellectual and moral level of Muslim people, to safeguard their faith and to support their solidarity.

It is also in this spirit that a new department called "The Department of Muslim Communities in non-Member States" is being created within the General Secretariat, in accordance with a decision of the Ninth Islamic Conference held at Dakar from 24th to 28th April, 1978. The new Department will be responsible for gathering statistical data and other information concerning Muslim minorities and communities about their numerical importance, their conditions of life, their social and economic level, their cultural and political situation, their organisation, the problems they face, their needs, and their aspirations, their position and the role they play or can play in the future in the societies of which they form part.

It means that this Department will have to undertake research on Muslim communities, to organise contacts between them with a view to promote their activities, to strengthen their Islamic identity and their cultural development within the framework of respect for the states to which they belong. It also means that a close collaboration between the General Secretariat and the representatives of Muslim communities in non-Muslim states is indispensable.

But a word of caution is necessary here for both sides. The power and the financial resources of the Muslim world today are immense. This can give rise to high expectations on the part of the Muslim minorities of receiving extensive assistance and support from the Muslim countries. Such expectations would not be without justification. But such assistance cannot be a substitute for action by the minorities themselves. What is needed, therefore, both for the Muslim countries and the

Muslim minorities, is to establish an order of priorities. I have no doubt that the seminar will make a valuable contribution towards the accomplishment of this task, and I am certain that the new Department of Muslim Communities will benefit greatly from the discussions and recommendations of the seminar.

Human Rights and Islam*

Issoufou S. Djermakoye

Islam, our religion, indeed, provides evidence to all humanity of the broad and deep knowledge of the nature and aspirations of mankind protecting the rights of both Muslims and non-Muslims. Its teachings, being of divine origin, are with us in every aspect of life, social, economic, political or physical; and are destined to live eternally. It is a basic command of Islam through the Holy Qur'an and the 'Sunnah' that justice in the exercise of authority should be absolute; discrimination is utterly condemned, be it on grounds of religion, race, colour, kinship or even hostility. In fact, a Muslim, as defined by the words of Prophet Muhammad, (Peace Be Upon Him) is "a person who never harms those who are near to him, neither through his hand, nor through his tongue"

When Islam came, the whole world was socially divided. Society was torn apart by devastating quarrels among families, races, and tribes. Women were an object of no value. In these circumstances, one of the primary concerns of Islam was to find a remedy to all these evils. It set to the task with sincerity and courage, regarding the suppression of these follies as an essential element of the Islamic message of faith in God. That is

*This paper is based on the keynote speech delivered by the author at the Seminar.

why Islam has identified its message, expressed by the Qur'an, as 'Call to Life'. God said indeed: "O ye who believe! Obey Allah, and the messenger when he calleth you to that which will give you life". (VIII, 24).

Thus Islam was bound to accomplish decisive and comprehensive reform, on the basis of universal dignity, equity, and equality, whether between man and woman or among nations, regardless of their racial ethnic origin or power. So did also those who rallied to Islam, and those who lived under the wing of the Islamic state. There lay, in the first place, the secret of the majesty of Islam in the conception of human rights.

The proclamation of the dignity of man, in Islam, is based on the fact that all people are equal, without any difference, except on the ground of piety. All mankind came from the same origin, and we all are asked to submit to the will of Almighty, who is revered in all truth, to help one another for the good of all, on the basis of unrestricted equality. The Holy Qur'an says: "The believers, men and women, are protectors one of another, . . . they enjoin what is just and forbid what is evil". (IX, 71).

Therefore, Islam gives us the guidance or the right path, and determines — as a way of life — the codes we should follow, and the proper action we should take in order to realise the dignity of mankind, the equality among human beings, especially between men and women, the unity of the human race, the co-operation for common good of all, the religious freedom, the protection of socio-economic, cultural and political rights, the responsibility of the 'haves' towards the 'have-nots', and the imperative need for knowledge and education.

Islam never intended to use these laws only for moral sermons, but rather they were meant to be a legal order. It supported them with all the legislations that were needed to ensure their actual implementation.

As for the dignity of man, the Qur'an says: "We have honoured the sons of Adam", (DVII, 70) and the Prophet,

(PBUH), emphasizes that there is no distinction in dignity and fundamental rights between one person and another. The Prophet, (PBUH), also tells us that the persons most favoured by Almighty God are those who benefit mankind most. "Human beings are families of Allah, and the ones who are most loved by Him are those who are most useful to their families. The Qur'anic verse calling for the good, and the performance of all kinds of righteous deeds says, "O mankind, we created you male and female, and made you into nations and tribes, that ye may know each other. Verily, the most honoured of you in the sight of Allah is (he who is) the most righteous of you". (XLIX, 13). The Qur'an also says: "Allah forbids you not, with regard to those who fight you not for (your) faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loveth those who are just". (LX, 8)

Religious freedom is one of the most important aspects of Islam. Please observe with me this beautiful verse of the Qur'an. "There is no compulsion in religion; truth stands out clear from error . . .". (II, 256).

This fact showed forth itself in the most striking manner, when the Muslims entered Jerusalem, and a pact was signed by the Caliph Omar with the Catholic Patriarch of Jerusalem, St. Sophronius. By this famous agreement, the Caliph granted the Christians "security for their lives, their property, their churches and crosses. The agreement also forbade the occupation or plunder of their churches, the reduction of their number or narrowing their areas.

Protection of property and privacy, and reciprocal collective and trustworthy responsibility among members of the society in the assistance and co-operation among each other is a cornerstone in the fundamental human rights in Islam. The right of every person to lead an honourable life is guaranteed, and the right of the society to free itself of poverty and other

needs is secured in Islam. All of these guarantees are reflected in numerous Islamic instructions.

The Qur'an says: "O ye who believe! Enter not houses other than your own, until ye have asked permission and saluted those in them", (XXIV, 27) . . . and "And in their wealth and possessions (was remembered) the right of the needy and the deprived, him who asked and him who (for some reason) was prevented (from asking)". (LI, 19). The prophet, (PBUH), said: "The property and blood of others are a sacred trust". The right of a human being to education was considered as an obligation since education is looked at as the foundation of human dignity. The right to health protection also is strongly emphasized without any distinction between one human being and another.

Islam, then, is the religion of justice and love. The Holy Qur'an says: "O ye who believe! Stand out firmly for Allah as witnesses to fair dealing, and let not hatred of others to you make you swerve to wrong and depart from justice . . . Be just, that is next to piety; and fear Allah, for Allah is well acquainted with all that ye do". (V, 8).

The Prophet, (PBUH), with sincerity and vigour in his farewell sermon, reasserted: "There is no advantage for an Arab over a non-Arab, or for a white man over a black man, except by piety" And he concluded his last recommendations to Muslims with this invocation to Allah: "Witness. O . . . Allah, that I have delivered the message".

Therefore, it is clear that Islam has firmly dealt with and has always protected and preserved the basic imprescriptable and inalienable human rights, within its comprehensive way of tackling man's economic, social, physical, cultural and political rights. Islamic teachings are intended to inspire and guide people who cherish peace, love and share hopes for a better future.

So is the United Nations. The UN General Assembly meeting

in Paris in December, 1948, adopted and proclaimed the "Universal Declaration of Human Rights" as a moral imperative, guiding the relationships between individuals and their governments, and as a bulwark safeguarding the human rights, and fundamental freedom and inherent dignity of all members of the human family. The roots of this declaration lie in humanitarian traditions and the struggle for freedom and equality. This Declaration has exercised a significant influence throughout the world, resulting in the establishment of further standards and legal obligations.

The Declaration states, "the recognition of the inherent dignity, and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". It further says that UN member states have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for, and observance of, human rights and fundamental freedom.

Since 1948 the Declaration has become "a standard of achievement for all nations and all peoples. It has exercised a powerful influence throughout the world. It had a profound impact on decisions taken by the United Nations in international treaties and conventions, and on national constitutions, municipal laws, and court decisions".

Issues of significance tackled by the United Nations cover such important points as:

- Right to life.
- Prevention and punishment of the crime of genocide.
- Freedom from slavery or servitude.
- Exploitation of labour through illicit and clandestine trafficking.
- Abolishing of forced labour.
- Freedom from subjection to torture or to cruel, inhuman or degrading treatment or punishment.

- Freedom from arbitrary arrest, detention or exile.
- Right of everyone to leave any country, including his own, and to return to his country.
- Right of everyone to seek and to enjoy in other countries asylum from persecution.
- Right to a nationality.
- Right to marriage and to found a family.
- Freedom of thought, conscience, and religion.
- Freedom of opinion and expression.
- Freedom of association.
- Right to take part in government.
- Right to education.
- Right to the child.
- Right to self determination.
- Freedom from hunger.
- Right to health protection.
- Equality in the administration of justice.
- Equality of men and women.

The year 1968, the twentieth anniversary of the Universal Declaration of Human Rights, was proclaimed by the UN General Assembly as the International Year of Human Rights. The International Conference on Human Rights was convened that year in Tehran, Iran, to provide an opportunity for states to review their legislation and practices and their international commitments against the high standards set forth in the Declaration.

The preparation of the Covenants on Human Rights, Economic, Social, and Cultural Rights, as well as Civil and Political Rights was a far more difficult task, as it was necessary not only to define each right and freedom in terms which were legally precise and universally acceptable, but also to agree upon some arrangements for dealing on the international level with complaints that certain rights or freedoms were not fully

recognised or enjoyed in this or that country or territory. The covenant on economic, social and cultural rights recognised the right of everyone to work, to a fair wage, to social security, to adequate standards of living and freedom from hunger, and to health and education. The covenant on civil and political rights contained implementation measures, along the lines of those which appeared in the International Convention on the Elimination of All Forms of Racial Discrimination.

The completion of the covenants (and approval) by the General Assembly in 1965 presented a significant UN contribution, having become the subject matter of legally binding obligations in international treaties. This was not, however, by any means the only tangible achievement of the United Nations in the field of human rights. The International Bill of Human Rights was supplemented by a whole series of international instruments designed to promote and protect the enjoyment of various rights and freedoms. Further, the United Nations stimulated its specialized agencies to act in the same way in the fields of their activities. The result is a comprehensive series of conventions, declarations and recommendations, all stemming from the UN Charter and constituting what in essence might be considered as an international law of human rights and fundamental human freedom.

It is meaningful here to note that at the Seventh Session of the General Assembly in 1962 it was decided that, in addition to a Declaration and Convention on the Elimination of All Forms of Racial Discrimination, a draft Declaration and a draft Convention on the Elimination of All Forms of Religious Intolerance should be concluded; and work began immediately. At its Twenty-second session the title was changed to 'International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief'.

The General Assembly gave top priority to this subject.

Studies continued in order to assure a comprehensive

resolution, safeguarding the rights of minorities; and it would not be long before decisions are made in this context. Fortunately, a seminar such as this one you are organising now, could provide a most valued input toward this end.

In 1971 the UN General Assembly decided to launch a Decade for Action to Combat Racism and Racial Discrimination in all its forms; and in April 1978 a Conference of Foreign Ministers of Muslim states was held in Dakar, Senegal. Concerned about Muslim communities in non-member states, the Conference approved the establishment of a new department within the General Secretariat under the name of 'Department of Muslim Communities in Non-Member States', to be entrusted with the task of providing information, data and statistics on these communities, organising contacts among them, sponsoring their affairs within the framework of respecting the links between these and the states they belong to.

It is gratifying to know that next month (August, 1978) a World Conference to Combat Racism and Racial Discrimination will be held in Geneva. A major subject to be discussed will be "The Right of Persons Belonging to Religious Minorities to Profess and Practice their own Religion". This subject will cover such points as the status granted to a religious minority, the free participation by members of the religious minority in the worship and rites of their religion, their rights not to be compelled to participate in the activities of other religions, their right to administer the affairs of their communities and the questions of establishing, maintenance and financial assistance of religious institutions and denominational schools.

Many countries of the world now seem to recognize the need for freedom among their populations. In a speech delivered by President Carter before the United Nations General Assembly in March, 1977, he said: "I see a hopeful world, a world dominated by increasing demands for basic freedoms, for

higher standards of human existence . . . the search for peace and justice . . . means respect for human dignity". All the signatories of the UN Charter have pledged themselves to observe and to respect basic human rights. Thus, no member of the UN can claim the mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation occurs in any part of the world. The basic thrust of human affairs points towards a more universal demand for fundamental human rights.

By following in the footsteps of Islam, and living up to the ideals of the United Nations, it is our sincere hope that the application of human rights laws will continue to inspire and give rise to further practical efforts on the parts of governments, international organisations, and individuals, throughout the world, to ensure that human rights, and fundamental freedom, especially for minorities, are in fact universally and effectively recognized, observed and enjoyed by every member of the world community.

We, in the United Nations, are fully determined to co-operate with all governments and organisations in strengthening and confirming human rights for all peoples in the world, especially for minorities. Peace has become today one of the most urgent necessities of life everywhere, among all nations and all peoples. peace in Islam is bound by 'faith in Almighty'. In fact, the Qur'an declares: "O ye who believe! Come all of you into submission (unto Him)". (II, 208). And the Prophet, (PBUH) towards the end of his life, on the occasion of the largest gathering of Muslims for the pilgrimage, made the recommendation, "Do not revert to apostasy, where you slaughter one another"

I cannot end before I deeply observe with you the Qur'anic verse that sums up the noble meanings for which you gathered here today. "Let there be from amongst you a group of people

inviting to all that is good, enjoining what is right, and forbidding what is wrong". (III, 104).

Thank you very much for allowing me this opportunity to speak to you about such an important subject, and let us pray to Almighty to grant happiness to all mankind and salvation to all human beings.

The Study of Muslim Minority Problems: A Conceptual Approach

Syed Z. Abedin

Coming from a minority community as I do, I feel especially gratified that a concern for the welfare of Muslim minorities, a desire for a better understanding of the nature and extent of their problems, the recognition that the subject deserves priority in the highest Muslim counsels has finally expressed itself and has made possible this very important seminar.

During the course of the next few days many qualified and competent scholars and eminent leaders from Muslim communities will focus on many aspects of Muslim minority life, catalogue problems and issues, provide figures and statistics, discuss the dimensions of the problem and hopefully come up with considered suggestions for ameliorative action. This would undoubtedly be a very valuable contribution. And I, like everyone else here, I am sure, am looking forward to be thus enlightened.

What more can the participants in this seminar ask for in good conscience? There was a time when the quest for enlightenment used to be a rather arduous undertaking. One had to travel difficult distances, ford rivers, climb mountains, suffer all manner of hardships and trials in order to seek enlightenment. We should be grateful that we live in times in which we can relax in air-conditioned comfort, in these most sumptuous surroundings, and have the difficult doors of

enlightenment gently opened to us. The Organisation of the Islamic Conference, together with the Islamic Council of Europe, deserve our sincere appreciation and thanks for making this possible.

However before we begin to grapple with the issue in earnest, before we seek to supply answers and begin to suggest solutions, it is perhaps desirable that we first determine what approaches to our problems we shall adopt, what ends shall we attempt to realise, what values shall we seek to uphold and what constraints, if any, we are subject to in our quest for solutions.

In doing this, it must be realised that we are undertaking a highly subjective task. It is our approach we are concerned with; it is our attitude that we are seeking; light of inquiry is turned inward. We are talking to ourselves. In the course of the next few days some participants will examine the role of outside factors and forces that have impact on the minority conditions. But let us first understand ourselves.

This requires that we re-examine some of our basic assumptions, re-define some of our important categories of thought, realistically assess our strengths and weaknesses, review some of our past and present strategies, be prepared to relinquish some of our cherished goals and scale down some of our expectations. This, you will agree with me, is a task of stupendous magnitude. Yet one for which, quite apart from the question of my competence to do justice to it, I find myself extremely disinclined.

As I mentioned earlier, I come from a minority community. For me the problems that the Muslim minorities face in different parts of the world are not mere academic problems. They are issues of vital significance, affecting the daily lives and the prospects of survival of millions of people — people with whom I feel myself related in a special way, and towards whom I harbour a sense of firm commitment.

I may not be able to express it in the form of a conceptual

framework, but when Muslims in the Philippines, or in Burma, or in Eritrea, or in India, or elsewhere, are subjected to loss of life and honour or become targets of denigration and humiliation, a part of me, and a vital part of me, suffers diminution. I experience a feeling of deep dismay and of helplessness and guilt.

My situation is made more unbearable by the fact that I live in times when all around me the word is out that a renaissance is underway, that the Muslim world has finally awoken from its deep slumber of centuries, that the categories of power, prosperity, vision, and leadership have become once again conjoined with the category of Islam. I can feel this new life coursing through my veins, I can sense this new excitement and hope.

Faced, on the one hand, with the spectacle of helplessness and guilt, yet flushed, on the other, with the new sense of excitement and of power, my immediate impulse is to cry out in the words of a once popular American folk song, "Send the Marines". It is however, one of the ironies of our times that even the marines have turned out to have feet of clay; that in this age of unprecedented power the mighty of the earth are having to learn their first lessons in the limitations of power.

Is there a lesson in this for me too? I ask myself. As a typical Muslim of my times, I have always visualised the Muslim world as a unique, monolithic, actually or potentially, sovereign entity. The association of Islam with power is deeply embedded in my mind. I have long convinced myself that the past decline of Muslim civilisation was the result rather than the cause of the loss of political freedom.

When the times needed it, I dedicated my energies to resisting foreign domination. Failure deterred me only briefly. The first that presented itself, I plunged wholeheartedly into the struggle to regain control over my political destiny. Whatever the immediate reasons for the struggle, whatever the

goals set by my leaders, whatever their personal orientation or character, whatever the struggle waged, it was for me a test of faith, a supreme duty incumbent upon me as a true believer.

Today when I look back into the past I have no apologies to offer, and very few regrets. But what about the future? Shall I continue to fight the old battles? Shall I still seek the same goals? Of course oppression anywhere has to be resisted; injustice must be rectified. But under what framework of policy and to what ends?

These questions are specially pertinent to those Muslim communities that do not possess the attribute of sovereignty. In what way are these communities part of the Muslim world? Are they of the category of distant enclaves in foreign soil? If they are, then these Muslim communities have a right to expect that the Muslim world, with its growing resources and power, shall materially and substantially help them, side with them against their adversaries, fight their battles with and for them and ultimately enable them to become members in their own right of the international political community of Islam.

If, on the other hand, it is acknowledged that certain Muslim communities shall always reside within non-Muslim jurisdictions, that there is a crucially significant difference between the struggle for liberation and the struggle to achieve civil and cultural rights within an established and recognised polity, then the Muslim world must determine precisely what form its interest in Muslim minorities should take, what avenues of inquiry are realistically open to it, which expectations shall it arouse, what commitments shall it make and what channels of majority interaction shall it encourage?

A great deal of confusion in the nature of this relationship has been caused by an imprecise use of the concept of the Muslim world. Half a century ago or thereabouts, this concept had a more recognisable content. It represented at that time two categories of meaning:

- (a) a group of people diverse and heterogeneous in several ways who yet share a common aspiration for political freedom;
- (b) a people distinguished from other subject peoples by their expressed commitment to an Islamic social order.

By virtue of the fact that independence has been achieved and most Muslim majority countries have already opted for a certain political orientation and goal, these implications are no longer valid. Today, we need to come up with a definition of Muslim presence which not only recognizes the diversity of Muslim peoples, but also their variations of political status, and yet binds them together in a consensus of values which reflect a distinct identity vis-a-vis other world communities.

It has been indicated earlier that political awakening among Muslims even in disparate regions of the world was more or less a uniform process. It started with the realisation that Islam was a way of life and Muslims had a special destiny to fulfil. Now, having acknowledged variations of political status, the question is: What is the destiny of Muslims in minority countries?

To adequately answer this question we have to begin to differentiate between Muslim goals in a majority setting and Muslim goals in a minority setting; between Islamic roles and expectations in a dominant environment and Islamic roles and expectations in a shared environment. It is an absolute prerequisite for any meaningful discussion of this problem that we squarely confront the reality of the modern secular, multi-national state. Within the framework of the unquestioned primacy of our allegiance to Islam, we need to determine what should be our proper attitude towards this social reality. We need to determine the nature and extent of our commitment to and participation in such a society, spell out clearly the ideological constraints we are subject to in the crucial matter of joining the mainstream life in it, particularly in the economic and social spheres, and estimate the consequences that could

accrue to us in our relationships with our compatriots by adhering to a precise and ideologically exclusive stance. Further, see how some of the political and social effects of this stance can be softened and mitigated, and learn to live with those that cannot.

We need to answer in particular the question: How can we live as Muslims in multi-cultural and religiously diverse society? In short we must discover ways to resolve the duality, the twoness that resides in the minority condition: my being a Muslim and my being an Indian. This is essentially a conceptual challenge. It needs new categories of thought, a fresh understanding of Islam and a creative capacity for application. In this we need the assistance of the Muslim world. Our points of reference in ideological and religious matters still lie in the heartlands of Islam. The political caliphate may be a thing of the past, but the well-springs of Islamic thought still flow from this region. Therefore, realistically speaking, no interpretation of religious principle and no statement of Islamic policy can have wide acceptance unless it reflects some consensus of the major constituents of the Muslim world. If the minorities are becoming aware of this real need, one only hopes that the Muslim world is also willing to realistically acknowledge the true dimensions of this problem and is willing to play its rightful role towards its resolution.

What has been emphasised so far is the need to evolve a new set of goals and a new and positive *modus operandi* within the framework of Islam yet directed at and centred round the new social reality, which the Muslim minorities face at present.

One major obstacle in persuading Muslims to come to terms with the secular, multi-national state is the fear often and widely expressed that thereby they are likely to lose or compromise their identity. This I confess is a genuine fear and we cannot easily brush it aside. We do need to ask, however, how do we determine our identity?

There are two ways in which we can go about it. We either determine our identity in its behavioural aspects in terms of language, customs, traditions, dress, food, etc. For example, a Muslim in India is one who speaks the Urdu language, and wears a Sherwani and has a decided preference for tandoori chicken as opposed to other cuisine. Or, we could determine identity doctrinally and conceptually in terms of values, ideals, aspirations, ultimate goals, etc. For example, a Muslim in India is one who believes in the oneness of God, is dedicated to the societal ideal of the oneness of man and subscribes to the goal of the oneness in life.

There are certain advantages in the first alternative. For one thing, it is easy to locate and specify. In India, for example, over the centuries, Muslims have developed a style of life or culture, certain customs and habits, a distinct cuisine which makes them easily identifiable. Secondly, it is compatible with the current and world-wide resurgence of ethnicity.

Everyone these days is in search of their ancestral roots. Every group is trying to establish that it does things in a way that others do not; that it is different from every other group and therefore deserves to be recognised as a different and separate entity. Clearly, efforts on the part of Muslim minorities anywhere to preserve their language, dress or style of life, to gain recognition as a distinct group, will have the sympathy and the sanction of the spirit of the times. Thirdly, emphasis on the behavioural aspects obviously creates a certain cohesiveness within groups. It is easier to relate to specific, tangible forms and folkways than to non-tangible categories like ideas and ideals.

At the same time despite the great popularity of, and emphasis on, ethnicity in our times, we need to consider its disadvantages. The chief disadvantage is that it is socially divisive. It emphasises things that separate us. Even within one social unit it creates many identities. This point becomes quite

significant when viewed in the context of Muslim migrant communities. These communities are comprised of people of diverse racial and ethnic background. They are different in terms of food habits, dress, language, customs, etc. If they make any of these categories the continued basis of their identity, these communities would take on a myriad form, their Muslimness would lose form. Being Muslim would come to mean different things to different people. I am not referring to dogma — because in these matters there has historically been a great deal of tolerance. Complications would arise in the area of cultural behaviour — what would these groups struggle to preserve? Which one would legitimately be described as the Muslim way of life?

Furthermore, we should also consider that whereas the exigencies of human survival, the threat to mankind of large scale conflict, the presence of massive destructive weapons, and their availability to an ever-increasing number of potential users would require an embracing concept of human community, it is an irony of our times that we are engaged in increasingly narrowing the content of our self-definition.

We are thus faced with a dilemma. If we emphasise the behavioural aspects of Muslim identity, we make the community cohesive yet confined; if we underline the doctrinal aspects of identity, we may have to write off a time-sanctioned body of traditions and cultural traits. Put in another way, on the one hand, we feel the need to encourage Muslim communities to strengthen and reinforce their cultural identity in a multi-cultural society, so that they may not be absorbed and assimilated. On the other hand, we have to somehow make the same group realise that physical traits, cultural traditions, dress, food, customs, and habits are subordinate or subsidiary to their main doctrinal identity, that God created differences in people in order to facilitate recognition, that the true identity is determined by the manner in which a person or group of any

race, colour or physical type approaches the business of living, uses his faculties, selects ends and means for his worldly endeavours, and so on.

This task can perhaps be facilitated if we agree to recognise that what is known as 'Muslim culture' is a diverse body of tradition, containing many local variants which represent at best only fragments of the Islamic tradition; that although rightly cherished for their historicity, they are nonetheless not vital to an Islamic identity. In short, if we agree that our primary goal is to recover and reinforce not so much the behavioural aspects of our identity, as its doctrinal aspects. This would require that we seek a new definition of Islamic culture which spells out clearly its doctrinal base, that we make this the core of our identity and adapt ourselves in those behavioural aspects of our lives which do not compromise or isolate this core.

This I recognise is a very heart wrenching and agonising assignment. It needs a very keen and very objective stock-taking. It might mean in some cases a total reconstruction of our mental attitudes and social behaviour. Yet a viable alternative is difficult to come by. It needs to be considered that Muslim minorities can preserve their Islamic identity to the extent to which they succeed in providing it with a firm base in, and a direct relevance to, the societies of their residence. There is nothing wrong in emphasising in what ways we are different, or what is unique about us. But we also need sometimes to focus on our common humanity.

We are born like the rest, we live and aspire like the rest. The notion that our problems, our needs, and our requirements are unique and call for special accommodation needs to be seriously reviewed. In fact, we need what any other human group needs — security, opportunity, the freedom to live by our lights, bring up our children in our manner, introduce them to a world where their human qualities receive nurture and growth.

But this should be reflected in some kind of social commit-

ment. There is something morally pathetic in a situation wherein the squalor, the misery, the suffering under our eyes fail to excite in us an appreciable degree of compassion or commitment, whereas something happening thousands of miles away impels us to lay even our lives on the stake.

Undoubtedly, the concept of Islamic brotherhood is one of the most valuable contributions of Islam to social organisation. Without in any way compromising this concept, it is a part of our challenge to restore a proper balance in our relationships and inculcate an inclusive approach in our interactive patterns.

We must remember that Islam never was a religion for the ghettos. Its thrust has always been outward. According to the definition of the Qur'an those among us are the best of people who are conscious of their duty to mankind, who invite people towards the good, and dissuade them from the bad.

Going back to my earlier point, I concede that it is not altogether fanciful to identify ourselves as minorities with other Muslim societies and states, especially in present times when these societies and states are becoming influential in world counsels and have acquired a decided political clout. But we must consider the political implications. Quite apart from the fact that dependence on outside political interference is almost certain to increase our alienation in our societies and reinforce hostility, we need clearly to understand what kind of demand this would make on Muslim states, and whether their own national goals and priorities would realistically permit them to fulfil those demands.

Let us take the case of two countries, A and B. A is a Muslim country, B is not. But they are aligned with each other on the basis of mutual national interests. If B pursues a policy that is detrimental to its Muslim minority, would A, the Muslim state, overlook its national interests and jeopardise its relationships with B in order to protect the interests of the Muslim minority residing in country B? I do not know the answer to this

question. In fact I am embarrassed in a gathering like this to even raise it. But I still consider it to be a very crucial question.

We have to recognise that, in its practical aspects, the Muslim minority problem in any one particular country or region, or taken as a whole, is essentially a problem between two entities, Muslim and the 'other'. The other often has dual manifestations, either of which is variously represented, with a high or low visibility, depending on any particular situation. In other words, as a member of a minority community, my problem is in the first degree between me and my government/compatriots, and in the second degree between me and my compatriots/government.

Because I have special ties with my co-religionists, the Muslim world has a legitimate concern for my welfare and a stake in my future. In recent times we could realistically include enlightened world opinion (the importance of which is reflected in our desire to alert the world about the conditions of Muslim minorities) as another factor in the equation. This list in some cases could be enlarged. It could also, as a further step in analysis, be ideologically and precisely defined and labelled.

But this exercise in itself could yield very limited results. The important question here is not how many different people we relate to, but what is the exact nature of our relationships with them and where do we place them in the order of closeness or remoteness, depending upon their ability to help us or hurt us.

Assuming that we are committed to an objective assessment of the Muslim minority situation and are sincere in discovering ways of bettering it, there can hardly be any meaningful discussion of our problem or any realistic attempts at resolution unless the 'other' in the first and second degree are also present.

Of course, in some cases this 'getting together' has already been tried with no results. In other cases, the time is perhaps not yet ripe for this kind of sensitivity sessions. Still we have to be guided in our deliberations by an awareness of the other. We

have to afford him at least an intellectual cognition. We have to probe his mind, his thoughts, his philosophies. We have to understand his designs and his motivations, even his aspirations. We have to make him see that we matter, not only as perennial problems but also as positive assets. Only within the framework of his history, culture, institutions and societal goals can we develop strategies that would ensure our survival.

We have already discussed that it is not feasible to grant Muslim minorities the status of overseas territories. We now have to go a step further and acknowledge, that even though Muslim minority communities possess a distinct identity, they comprise the sons and daughters of the soil they inhabit, they share many customs, habits, traits with their compatriots and their destiny is, to a considerable extent, interwoven and interlocked with that of their countrymen. Hence, no effort to uplift the condition of Muslim minorities anywhere is likely to be durable unless it also touches upon and enriches the total life of their societies of residence. This also means that the main aspect of the minority problem, i.e. their political status, needs to be balanced by other equally significant though less spectacular aspects that relate to their day to day lives. These aspects need to be clearly identified, objectively analysed, and a climate of opinion created that offers adequate recognition to basic inquiry and investigation of these.

It is equally important to bear in mind that the aim of the emerging interest in Muslim minorities is not to enable them to transit from a state of despair to a state of dependence. The growing power and resources of the Muslim world could create expectations of external support and subsidy. While some of these expectations would be understandable, they could not in any way be a substitute for 'self-help' and 'self-action'. To use a well-worn cliché efforts of support should be designed to help the minorities help themselves.

Furthermore, in most discussions of minority problems we

tend to focus on the shortcomings and the acts of commission and omission of the majority constituents of our societies. Under the new perspective that we are trying to develop it would perhaps be indicated that we forthrightly discuss the role we have played and the contribution our shortcomings and our acts of commission and omission have made to the problem.

In short, we need to move away from rigid and exclusive attitudes, take steps on our own to understand the causes of our predicament, try to break down stereotypes, seek areas of co-operation with our compatriots, widen the circle of our contacts, develop strategies that do not overly depend on external support by operating all the time within a framework of belief which is rooted in Islam.

Problems of Minorities

A. K. Brohi

The problems of minorities have a direct link with the nature of the state sanctioned by modern theory and practice of politics. This is so because the idea of a nation-state and the idea of tolerating a minority are to some extent in opposition to one another. First, what is a minority? A “minority” is an aggregate of people whose distinguishing features concerning their race, religion, language or ethnic orientation mark them as constituting a distinct class in contradistinction to the majority group. Since the majority group occupies a dominant position in the state and views itself as constituting a distinct group, it becomes necessary for the state to protect the interest of minorities. As the legislative and administrative power invariably resides in a majority group within a state which, in turn, defines citizenship in terms of the territorial nexus a citizen has with a particular country; the members of the minority group generally are not in a position to influence the way in which the administrative and legislative power is used by the state.

Every dominant group within a modern state, in the first instance, tries to assimilate the minority group by establishing procedures by resort to which the minorities progressively begin to view themselves as integral parts of the nation. But somehow the complications arise where religious minorities

have to live alongside with a sort of dominant group that cannot possibly assimilate them. It is clear that religious minorities in relation to such a dominant group are like sand in water — they cannot possibly get dissolved and so be assimilated. A situation thus arises in which the dominant group tries to suppress the religious institutions and attitudes of the minority and, when this fails, they can be ejected from the country altogether.

Of course with the breakdown of religion as a dominant institution in the western world, the problem of assimilation of religious minorities does not pose the difficulties that arise in countries in which it still has a paramount influence.

For securing the assimilation of religious minorities in such countries prolonged and persistent efforts have to be made by means of imparting secularistic school education and ideological indoctrination. Religious minorities have, to a considerable extent, been assimilated in the West and with the passage of time, generation after generation, the children of the religious minorities are seen taking on the colour of their environment and they tend to appear apiece with the rest of the society. But in areas where religion is such a preponderating factor that it gives to a religious minority a well-defined character, structure, stamina and resilience, complicated problems arise for solution. This is more so in the case of a Muslim minority because there is something in Islam as a religion that somehow an adherent of Islam can never renounce and, what is more significant, the hold that his religion has on him is so all-pervading and far-reaching that there is hardly a facet of his life which is not touched by religion. These are some of the reasons why Muslim minorities are hard to assimilate.

Modern secularistic approach to life, by and large, has eroded away the religious consciousness from the heart and soul of modern man. But prevalence of secularistic philosophy has not made much dent on those who subscribe to the religion of Islam. That is the additional reason why, when all is said and

done, the presence of a Muslim minority is not easily tolerated by a non-Muslim majority in the modern state and invariably attempts are being made directly or indirectly to secure its ejection from the state in question.

The case of Indian and Pakistani attitudes to their religious minorities illustrates the truth of the foregoing remarks. To this end something would be said later. It is, however, necessary at this stage to highlight a leading feature of a Muslim's religious outlook which has relevance to the problems we are examining. A Muslim believer is enjoined by his religion to respect and to accept all the founders of principal religions of the world and, what is more, he is prevented from discriminating between any of the prophets who are regarded as founders of universal religions.

So great is the catholicity of Islam in the matter of tolerance being shown to other religions that a believer is asked in the Qur'an to desist from reviling false gods of others lest they, in their turn, revile the one true God that the believer worships. And what is more important is the fact that the religion of Islam does not limit its tolerance only to the prophets named in the holy book like Abraham, Jacob, Moses, Jesus, David, Solomon, Noah, Lot, etc., but says that, over and above the prophets that have been named in the Qur'an, there are others who have not been named therein — leaving wide open the possibility that many prophets whose names are not mentioned in the Qur'an have also to be accepted by Muslims. For a Muslim, therefore, acceptance of the various prophets and their books becomes a part of his religious duty. He, in turn, however, is confronted by the adherents of non-Muslim faiths who, although they fall in the category of religions that Islam accepts, nevertheless, continue to be at war with whatever the prophet of Islam has said. The religious tolerance in the West also takes the same form. Many Westerners are prepared to show tolerance to all religions but once Islam is mentioned,

somehow they cease to be tolerant and even say unkind things about the prophet of Islam and his teachings. Many orientalist have attributed this type of reaction on the part of an average Westerner to Islam as being a hang-over from the days of the Crusades that more or less had brought to the surface the image of a Muslim being the incorrigible heathen, the hated enemy, who had somehow to be exterminated if the world was to be made safe for Christianity. My own explanation of this is that it is the perception on the part of the Western man that once he accepts Islam, however lukewarmly, then his own religion would virtually be drowned in the widening sweep which Islam makes to embrace all the religions of the world. With the possible exception of those which profess atheistic ideas of the paganistic beliefs, Islam accepts all religions. Somehow intolerance to Islam is attributable to the intuitive feeling some non-Muslims have that their religion will not survive if Islam is accepted. The reverse of this is not true. A Muslim, by understanding other religions, far from ceasing to be a Muslim becomes a better Muslim.

Similarly, a Muslim state, by the law of Islam, is under an obligation to respect all religious minorities and to extend all protection to them. There are numerous utterances of the prophet of Islam on this point and indeed the practice that has prevailed in the Muslim countries down the ages attests the truth of this contention. The minorities in the world of Islam are a sacred trust, because it is the teaching of Islam that there is no compulsion in religion. Even the invitation which the "believer" extends to the non-Muslim to accept Islam has to be done in handsome ways and the case has to be wisely presented for his consideration, since a Muslim believes that some day a non-Muslim will see the historical relevance of the religion of Islam, and would accept it. A Muslim seeks a non-Muslim as a potential convert to Islam and leaves him alone in the meantime to pursue the demands that life makes on him confirmably to

the tenets of his own religion. This is not true about non-proselyting faiths — that is, faiths which do not accept conversion of others to their fold. Generally, these religions are racial rather than spiritual — like that of the Hindus and Jews who insist that if you are not a born Hindu or Jew you cannot become one by the process of conversion. Naturally, they are intolerant towards other religions and one can sympathetically understand their situation that they cannot be easily assimilated to the more comprehensive fold of a religion where all can meet on the basis of a freely adopted faith.

In the recent past we have seen the pathetic condition of the Muslim minorities in the Philippines, in Burma, and elsewhere. In a seminar such as the present one we cannot possibly pass any condemnatory judgements on the states concerned whatever the justification may be in support thereof, for the simple reason that such resolutions or expression of opinion will hardly influence the Governments in power and induce them to modify their attitude to the religious minorities which at present are suffering at their hands.

Muslims living as minorities in various non-Muslim states are not allowed to practice their religion openly because of the forces of regimentation which have overtaken numerous states in the modern world. "Discrimination on the grounds of religion," says Arnold M. Rose, in his article on "Minorities" in the Encyclopedia of Social Sciences, "although expressly forbidden by the constitution has long been practised in the United States with varying severity against a large number of groups, chief among these groups are the Jews, Muslims, Christians of the Eastern Orthodox Church and various Protestant and Orthodox sects. Roman Catholics, too, although their total number in the United States, according to some estimates, was more than 40 million in 1960, share some of the disadvantages of minority group status, though to a decreasing extent. One special feature of membership in the

religious minority is that it can be acquired voluntarily regardless of racial or national origin, though most members of course are following the religion of their parents. The position of the Jews is unlike that of other minorities because there are more Jews than there are active believers in the Jewish religion." If in an advanced country such as the United States of America, where there is no such thing as official state religion, the condition of religious minorities be as it is described by Mr. Rose, what one must think of in a state where the preaching of atheism by its citizens is demanded by the constitution and suppression of religion is the foundation on which that state itself has been built!

The important thing for this seminar is to increase the awareness of modern man to the inhuman, unjust and degrading treatment which religious minorities are receiving at the hands of the dominant groups within modern nation states. This can best be done by pointing out as objectively and impartially as it be practicable those nation states where minorities are receiving just and generous treatment and those nation-states where they are receiving harsh and unjust treatment. This comparative study of two sharply contrasted modes of viewing the religious minorities will help comprehension of what is at stake for the minorities and what can be done to ameliorate their condition.

Speaking about my own country, Pakistan, which has openly and avowedly declared itself as an Islamic state, its religious minorities have been declared free to profess religions other than Islam. Non-Muslims of various denominations in Pakistan number about 3.25 per cent of the total population.

These are religious minorities, there being no racial or ethnic minority. It is the moral, religious, political and constitutional obligation of the Government of Pakistan that the rights and privileges of its religious minorities are properly safeguarded and they have full opportunity for self-development and

advancement. The minorities in Pakistan have never been subjected to any kind of discrimination, be it economic, social, religious or political. Whereas the constitution of Pakistan safeguards the rights of the minorities and ensures equality of treatment to all citizens without any discrimination on grounds of religion, faith, caste and creed, it places no obligation on the minority communities beyond what they share with the members of the majority community. A full fledged Ministry of Minority Affairs has been in existence ever since the creation of Pakistan and it has been charged with the duty of safeguarding the constitutional rights of minorities, promoting their welfare and giving them the sense of being full and equal citizens of the state. Some of the major steps taken for the welfare of minorities are:

- (1) Constitution of an Advisory Council for Minority Affairs. The function of the Council is to advise the federal government on matters concerning welfare of the minorities.
- (2) Constitution of a Cultural Council for the Advancement of Cultural Activities of the Minorities.
- (3) Publication of a monthly periodical called "Hamwatan" in Urdu for minorities.
- (4) Institution of Cultural Awards for the minority artists approximately Rs. 50,000 annually.
- (5) Release of an Eight-Point Declaration on Minorities on June 14, 1976.
- (6) Establishment of the Pakistan Minorities Welfare Fund, approximating to Rs. 2,000,000 for the grant of financial help to the needy and poor persons of the minority communities.
- (7) Provision for the grant of scholarships to the minority students both at the federal and the provincial levels and

reservation of seats in the legislatures and also in the schools and colleges for minorities.

- (8) Nomination of Additional Deputy Commissioners as Minority Officers in each district and the constitution of District Minority Committees to look into the day to day local problems of minorities.

The constitutional safeguards for the minorities may also be mentioned in this context. In the Preamble to the Constitution (1978) it is provided that adequate provision shall be made for minorities to profess and practise their religion and develop their cultures and further that adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes. Subject to law, public order and morality, every citizen has a right to profess and practise and propagate his religion in every religious denomination and every sect thereof has the right to establish, maintain and manage its religious institutions. Article 21 of the Constitution says that no person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation and maintenance of any religion other than his own. In Article 22 it is provided that no person attending any educational institution shall be required to receive religious instructions or to take part in any religious ceremony or attend religious worship if such instructions, ceremony or worship relates to a religion other than his own. In respect of any religious institution there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation, and subject to law no religious community or denomination shall be prevented from providing religious instructions for the people of that community or denomination in any educational institution maintained wholly by that community or denomination and no citizen shall be denied admission to any educational institution

receiving aid from public revenues on the grounds of race, religion, caste or place of birth.

And under Article 23 it is provided that all citizens are equal before law and are entitled to equal protection of law. Article 26 provides that in respect of access to places of public entertainment or resort not intended for religious purposes only there shall be no discrimination against any citizen on the grounds of race, religion, caste, sex, residence or place of birth.

Article 27 provides that no citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the grounds of race, caste, sex, etc. There are other Articles in the Constitution relating to franchise, etc. in which due recognition has been extended to the political rights of the religious minorities in Pakistan.

India and Pakistan were established as independent states as a result of general agreement between the two main political parties, namely, the Indian National Congress and the Muslim League, that the Muslim religious minority in India was entitled to being treated justly by the Government and people of India. Somehow across these 30 years the situation now is such that it is difficult to contemplate the prospect that the Indian Muslim minority will ever be treated on the basis of fairness and justice.

Despite the fact that no society or Government in Asia is more vocal in proclaiming its commitment to secular ideals than the people and Government of India, a study of the conditions of Muslims in India leads to the inescapable conclusion that in almost every sphere of national life the large Muslim minority in India numbering approximately 67 million and forming about 12 per cent of India's population are victims of discrimination and neglect. Without dwelling at length on the causes of such discrimination, it is pertinent to note that they have their roots in history and in particular in the deep differences born of

religion and social mores which have long divided the Hindu and Muslim communities in India. Though they share the same territory, they regard themselves as separate entities. The antipathy the dominant community has displayed towards the Muslim religious minority can be discerned from the number of massacres which preceded and followed partitioning of the sub-continent. Subsequently, these hatreds and distrusts are reflected in relations between Hindu India and Muslim Pakistan, which have been marked by conflict and confrontation and have occasioned even their going to wars to settle their disputes. Despite the unhappy past there was some cause for hope following the Partition that the Muslims, who remained in India, in keeping with the assurances given by Indian leaders at the time, would be accepted as Indian citizens and be allowed to enjoy all opportunities for advancement which were available to their Hindu fellow citizens. But over the three decades that have elapsed and since Independence the plight of the Indian Muslim minority has worsened.

Continued discrimination against Indian Muslims in all spheres of life has been objectively verified and widely reported by Indians, both Hindus and Muslims, themselves. It needs to be noticed that this discrimination is practised not only by the Hindu majority community but also by the Government officials. Not much need be said about the fate of Muslims in the State of Jammu and Kashmir as the matter has received extensive publicity in the debates that have gone on in the United Nations and elsewhere about the illegal occupation of that territory by India.

The state of affairs concerning the fate of Muslim minorities in the Philippines and Burma is too well known to be depicted in any measure of detail. Suffice it to say that these occurrences have brought to the surface what really is at stake. The problem is global and involves the fate of millions.

A religious minority that has to co-exist with a distinct

dominating group within one and the same territory gets degraded to a lower status in one or more areas of life, the economic, the political, the legal and the social. It has no way of protecting itself. The United Nations is not able to do much because, despite the existence of the sub-commission on prevention of discrimination and protection of minorities, not much has been achieved to be able to provide relief to religious minorities, particularly the Muslim minorities. In my own country in the early part of this month for three days the Rabita-i-Alam-i-Islam organised a conference where more than a couple of hundred participants, mainly from Asia, gathered to look at the situation resulting from recent developments that are taking place on the international scene concerning the fate of Muslim minorities. I have no doubt that the Islamic Conference, where all Muslim Governments participate, will also provide the forum for establishing procedures and methodologies for the amelioration of the condition of Muslim minorities living in non-Muslim states. This seminar is important for focusing the attention of world conscience upon the problems that are confronting Muslim minorities everywhere, and will clearly contribute effectively to the promotion of awareness on the part of men and women of goodwill all over the globe and help them to realise the state of helplessness to which these minorities have been subjected. In an age which prides itself on the growth of sentiments of tolerance, the humanistic approach, based on the idea that the human race forms one vast brotherhood, demands that we should all realise that any act of injustice done to any section of mankind somehow resounds to the discredit of the whole. Unless special measures are taken to cope with the upsurging spirit of aggressive militant nationalism which is being manifested by the dominant groups in most of the modern nation-states, mankind will never settle down to a state of abiding peace.

Upon that note this address should end with the prayer and the hope that in the days that lie ahead we will look upon our fellow citizens who may form a minority in the conventional sense as though they were truly an integral part of national life and that their welfare would become a matter of primary concern to those who happen to be in charge of political affairs of the State.

The Rights of non-Muslims under Islam: Social and Cultural Aspects

Ismail R. Faruqi

Introduction

History knows of no religion which has addressed itself to the non-believer except to condemn him — except Islam. In most ancient civilisations, the non-believer simply did not exist. Contact with him could be made only in times of war, as conqueror or conquered. In either case, the non-believer was an enemy by definition. This enmity was the other side of his god of the land. His fate was either slavery or death; and more often the latter even after capture.¹ In a few later cases, as in the days of Egypt's Empire (XVIII Dynasty, 1570-1224 B.C.), contact with the non-believer was tolerated for an *ad hoc* purpose and only for the duration of the trading as a barbarian or inhuman.² The alienation was at once religious, linguistic, cultural as well as racial. Egyptian descriptions of the Semites to the East, the Libyans to the West, and the Africans to the South, and the Mesopotamian descriptions of Mitannis or Persians, of the "Men of the Mountains" or Aryans of the North, amply illustrate the point.³

As regards the non-believer the world religions may be divided into two main classes: the universalist religions (Christianity, Buddhism), and the ethnic religions (Hinduism, Judaism).

The Universalist Religions

Both Christianity and Buddhism condemn the non-believer, religiously. Christianity condemns him to eternal doom in hell because he has neither believed nor received any of its sacraments. The condemnation is by God; and the occasion for it is the rejection by the non-believer of His church on earth, the sole dispenser of His grace. This condemnation is through and through religious. The Church is not *of* the world, though it may be *in* the world. Its jurisdiction is limited to its own realm which Christianity has clearly separated from the realm of Caesar, the secular realm. Paul's statement, "whatsoever is not faith is sin," has been understood for nineteen centuries as meaning that everything other than the religious — in short, the world — is evil.⁴ The non-believer is condemned on the strength of his non-participation in the things of faith. The other things, the things of the world, are condemned *a priori*, and therefore what he does or does not do of them is irrelevant. It is only in the previous century that Christian theologians began to discover a relevance for the secular as secular,⁵ and they have not yet succeeded in accommodating their discovery with the central tenets of the faith.⁶

Without God and without the division of life into religious and secular, Buddhism equally condemns the non-believer religiously; i.e. as one who rejects the dogmatic truth it teaches, namely, that existence is suffering and that one ought to bring about its cessation. The whole of existence, Buddhism holds, is a unity. It is secular; and all of it is one lump of suffering. So, if the non-believer stands condemned, he is so by himself, by virtue of his own deeds, his personal un-wisdom. Just as in Christianity, Buddhism holds that outside the religion there is not, nor can be, any salvation.

Gnostic Christianity, notably Justin Martyr, suggested a theory of salvation outside Christianity when it understood Christ as a logos present in every human in varying degrees, and

called Socrates the most, or highest, Christian. But the fury of the doctrinal war in early Christianity stamped out the attempt when Cyprian pronounced the principle that outside the Church of Rome there is not, nor can be, any salvation. Cyprian's principle has remained dominant in Catholic as well as Protestant Christianity until today. Modern ecumenism is pressing the Catholic Church to loosen its declared monopoly on God's grace. In response thereto, Karl Rahner wrote an essay entitled "Anonymous Christians" in which he sought to extend the gift of grace to persons outside the Catholic Church. But his motive was certainly to accommodate the intra-Christian ecumenical dialogue, not the inter-religious. Orthodox and Protestant churches have remained true to this Catholic position, while Buddhism has, as yet, not confronted such pressures.

The Ethnic Religions

The ethnic religions are far more comprehensive in their condemnation of the non-believer, which is both religious and secular. Being ethnic, they understand themselves in terms of theology as well as history; theory as well as practice; personal as well as social ethnics.

In Hinduism, the non-believer is condemned on two levels. Religiously, he is alienated from the truth, and he lives in darkness as opposed to the enlightenment of the adherent. His belonging to any religion other than Hinduism is understood as the result of ignorance and aberration. The law of Karma will, in rebirth, punish him accordingly. In this life, moreover, he is a "*mleecha*". His fate is worse than that of a *Sudra* or "untouchable" — the lowest caste. Both are abominations, unclean, pollutants of everything with which they come into contact. However, the *Sudra* has a place in the Hindu social system though the lowest: but the *mleecha* has none and must be ejected from society or killed.⁷

In Judaism, the condemnation of the non-believer reaches its logical conclusion. As in Christianity, the non-believer is the enemy of God; and as in Hinduism, he is the pariah of society. In addition to the double condemnation, the non-believer is the enemy of God's "Chosen people", an enemy whom the believers should pursue, attack and subjugate or destroy — even in his own homeland. "Thy seed shall inherit the gentiles."⁸ "... The gentiles shall bring thy sons in *their* arms, and thy daughters shall be carried by their shoulders. And kings shall be thy nursing mothers: they shall bow down to thee with their face toward the earth, and lick up the dust of thy feet . . ."⁹ "... To proclaim the vengeance of our Lord . . . Strangers shall stand and feed your flocks, and the sons of the alien shall be your plowmen and your vinedressers . . . Ye shall eat the riches of the gentiles. Thou shalt also suck the milk of the gentiles. For the nation and Kingdom that will not serve thee shall perish . . . I will tread them in my anger, and trample them in my fury; and their blood shall be sprinkled upon my garments . . . For the day of vengeance is in my heart."¹⁰ Jewish religious sentiment has so much nourished itself on hate and resentment of the *goyim* (non-believers) that these sentiments have become constitutive of Judaism since the Exile. Certainly the world's religious history has known no tradition which comes anywhere near Judaism in the severity, harshness and absoluteness of its condemnation of the non-believers.

The Position of Islam

In its attitude towards the non-believer, Islam is truly unique. None of mankind's religions compares with it. That is why it is to be classified alone, under its own category. Islam has acknowledged the non-believer on three distinct levels:-

The first is that of humanism. Islam introduced the concept of *din al fitrah* to express its judgement that all men are endowed at birth by God with a religion that is true, genuine and valid for

all time. In so far as they are humans, this claim would be true of them, that they all have a *sensus communis* by the free exercise of which they can arrive at the essence of all religious truth. Without this natural endowment, man would not be man at all. The universalism of this aspect of Islamic doctrine knows no exception whatever. Islam has based its universal humanism on this basis of *religio naturalis*. All men are ontologically the creatures of God, and all of them are equal in their creatureliness as well as in their natural ability to recognise God and His law. Nobody may even be excused from not knowing god, his Creator, for each and every one has been equipped at birth with the means required for such knowledge.

By this concept Islam differentiates between natural religion and the religions of history. The latter are either derivations from this most basic endowment; or they come from other sources such as revelation or human passion, illusion and prejudice. If this kind of religions divides mankind, natural religion unites them all, and puts all their adherents on one level. As the Prophet (*Peace Be Upon Him*) has said: "All men are born Muslims (in the sense of endowed with *religio naturalis*). It is their parents (tradition, history, culture as opposed to nature) that turn them into Christians and Jews." On this level of nature, Islam holds the believer and non-believer as equal partakers of the religion of God.

The second is the revelation universalism. Islam holds that "there is no people but that God had sent them a prophet or warner"; and that "no prophet was sent but to convey the same divine message, namely, to teach that God is God and that man ought to serve Him."¹¹

As if what man has been given by nature is not enough, Islam now adds the contribution of history. In history, every people has been sent a messenger "to teach them in their own language"¹² and none has been sent in vain.¹³ Every messenger conveyed and made understood identically one and the same

message from God whose essence is the recognition of Him as God, i.e. as Creator, Lord Master and Judge, and the service of Him through adoration and obedience. All men, therefore, are recognised as possessors of divine revelations, each fitting its context of history and language, but all identical in their essential religious content. Muslims and non-Muslims are equal in their having once been objects of divine communications. This concept adds to *religio naturalis* the further universal base of revelation in history. Men's religious differences, therefore, cannot be attributed either to their innate human nature, or to God. Islam thus made possible a distinction between the revealed essence of a religion which it shares with all other religions, and the figurisations, conceptualizations and prescriptivizations of that religion in history. A critique of the historical by the essential, and of the understanding of both by the natural, has become possible for the first time with this breakthrough of Islam.

On a third level, Islam identified itself with much of the historical revelation of Judaism and Christianity. It acknowledged the prophets of the two religions as genuine prophets of God, and accepted them as Islam's own. It taught its adherents to honour their names and memories. True, this does not affect the relationship of Islam with adherents of non-Semitic religions. But with these — and they constitute a significant segment of mankind — Islam erected further bridges of rapprochement. With its acceptance of the Jewish prophets and of Jesus Christ, it reduced every difference between itself and these religions to a domestic variation, which may be due to human understanding, rather than to God or the religion of God. It thus narrowed the gap between the Muslims and Jews and Christians to the barest minimum by making the difference internal to the three religions — Judaism, Christianity and Islam — all at once. Following the Qur'an, the Muslim declares: "Worthier of affiliation with Ibrahim (and by

extension, all Hebrew prophets and Jesus Christ) are, rather, those who follow his religion, this Prophet and the believers."¹⁴ He contends in the details of either religion as an "inter" rather than as an "extern" of the faith. This is the nearest religious standpoint to conversion and absolute identification of the non-believer with the faith in question.

In Islam, therefore, far from being condemned a priori as enemy and object of divine doom, the non-believer is rehabilitated as God's creature endowed with natural religion, historical revelation identical with Islam's, and if he is a Jew or Christian, as possessor of the same tradition of revelation as the Muslim.

That there still remain many differences between Muslims and non-Muslims is granted, bearing in mind that Islam relegates these differences to personal understanding, not to the religions concerned as such. Even so, Islam takes care to give all non-believers the benefit of doubt, by withholding judgement until incriminating evidence is at hand. The Muslim is required to begin by assuming that any Jew and Christian adheres to the same faith as that of Islam on all the three levels mentioned above. On this basis God commanded His Prophet to address them in these words: "O People of the Book. Let us now rally together, around a noble principle common to both of us, *viz.*, that we shall serve none but God; that we shall associate naught with Him, and shall not take one another as Lords beside God."¹⁵ Islam has reassured the non-Muslims amply: "Those who believe (the Muslims), and those who are Jews, Christians and Sabeans — all those who believe in God and in the Day of Judgement and work righteousness, shall have their reward with God. They shall have no cause for fear, nor for grief."¹⁶ Evidently, Islam acknowledges the non-believer religiously. On the religious plane, it grants every non-Muslim in the world a double religious privilege and religious dignity by virtue of his sharing of natural religion and divine revelation in history. If he

happens to be a Jew or a Christian, he is granted a third privilege and dignity, namely, that of sharing in the tradition of Islam itself. This third privilege granted by God in the Qur'an to the Jews, Christians and Sabeans was extended by the Muslim to the Zoroastrians, Hindus, Buddhists and adherents of other religions as they came into contact with them.¹⁷ All three religious privileges, therefore, Islam grants today to adherents of all the religions of the world.

Inviting the Non-Believer to Share in the Summum Bonum

It is one of the basic axioms of value theory that the actualization of a value is a value. It would be self-contradictory to assume something to be good or valuable, and that it ought not to be actualised. Naturally, its actualisation may be obligatory or desirable for a given person standing under given circumstances. Such obligatoriness is dependent upon the relativities of space and time, and the personal circumstances of the subject. But that is the ought-to-do arising out of the value in question.

Relativism of the ought-to-do does not effect the ought-to-be which pertains to every value without exception and which alone makes our previous assertion true. Values are dynamic and moving. Their appeal grips consciousness and stirs the subject into activity tending towards their realisation. This is so true that many have asserted that to perceive value at all is: to fall under its determining power; to suffer being moved by it; to begin its actualisation.

Intrinsic to the perception of value in this sense is the will to share one's perception of it which is by itself a value with one's fellows. Such sharing would be an actualisation of the value of perceiving value, which in turn is the necessary precondition of actualizing the value perceived.

Observable human consciousness and behaviours confirm this initial axiom. Human beings do desire to share the good

they perceive and in the interest of attaining the greatest possible actualization of it, they do desire to share their perception with others. It would be contrary to basic human charity and neighbourly love to hold back perception of value from any one. Indeed, such action would be tantamount to inflicting evil, or suffering. If it is ever justified in some peculiar circumstances, it is so as an act of justifiable punishment. Under all other conditions, such an act would be reprehensible, an act of uncharity, un-love, egotism or self-centredness, hatred and mischief. To introduce one's neighbour to value is a necessity of the moral life. The order of rank of the value in question determines the degree of obligations or desire to proclaim it, and make it known to others. To have a religion is to have access to a whole hierarchy of values, to know them and suffer determination by their moving appeal, to be enchanted and stirred to action by them. Moreover, the values a religion spreads before the adherent are greatest of all. For they are ultimate, and they concern the ultimate dimensions of existence and life. Nothing is more valuable than what religion teaches about, namely, God, and His disposal of lives of humans. Knowledge, adoration and love of Him, obedience to Him, fulfilment of His will, the life of *hidayah* or grace, of viceregency for God, and the reward of eternal happiness in paradise. These are ultimate values. They make valuable everything else that is valuable. Hence, they are the axiological bases, the ultimate, or first principles of all good. They are never pursued, as instruments, for some other good. On the contrary, all other goods are sought for their sake. They are final, the highest or most conditioned ends of any moral endeavour.

How could a person who possesses such values, i.e. who is aware of them and actively seeks to realise them, withhold the knowledge of them from his fellow humans, He alone is in a position to appreciate their need to become aware of them, i.e. to realise the *condition sine qua non* of value-actualisation. His

consciousness and will would rebel against him were he to pass any opportunity to present "his" values to others and to invite these persons to actualise the values as he does. This requirement of consciousness is what we often call "conscience" or the voice of conscience. It is the "hard datum" of the primary consciousness of value, autonomous, *sui generis* and inconvertible.

Religion does not only give us access to ultimate values; it also introduces us to ultimate truths about our life and existence, about heaven and earth. It convinces us of these truths, for it presents them not as one opinion among others, but as the truth, maintaining that their truth is theirs and need not be necessarily the view of others. Such a position is held by tribalist or ethnic religions which hardly ever spread beyond the confines of the tribe or ethnic entity. Other religions — and they are the majority — are exclusivist. Their claim is not merely that their thesis is true but that all other theses are false.

Religious exclusivism, however, is of two kinds: dogmatic and rational. The former variety, including Christianity and Buddhism, presents us with a version of truth — their version — and asks us to acquiesce to it uncritically. Their thesis is that while religious truth is absolute, valid for all time and space, it cannot be contended. It must be either taken or rejected, but not subjected to critical analysis, to argument and the rigours of counter-evidence.

Islam shares with Christianity and Buddhism their exclusivism. It presents its claim as the only true one; but it does not do so dogmatically. Its claim is subject to critique. It is absolute as well as rational or critical, open to counter-evidence, to counter-argument. It is the nature of all rational claims to present themselves with defiance. Argument makes them clearer and strengthens their foundation. Obviously, the rational claim wants to be known, and cannot be ignored except at the risk of proving one either incompetent or insane.

In seeking to convince the Makkans of the veracity of his divine call, the Prophet Muhammad (Peace Be Upon Him) told them; "Were I, Muhammad, son of Abdullah, to tell you that, having gone up the mountain, I have seen an enemy army marching on to Makkah, would you believe me?" "Yes, indeed," answered the Makkans, "for we know you never to have lied to us before." "Know then," rejoined the Prophet, "that I have received a call from God to warn you of a great punishment that God will inflict upon you if you persist in your evil ways. How can you not listen, when what is at stake is your very life and destiny?"

Obviously, the rational claim to the truth cannot go unheeded except by the insane. There is an inner compulsion on the part of the subject to proclaim it to others, and an innate compulsion on the part of the others to rise to its challenge, to accept or refute it.

The Muslim is obliged by his faith, by the rational, as well as by the axiological nature of his claim, to present Islam to the non-believer. The latter has already accepted the offer of *Pax Islamica* or the new World Order under which men would renounce war and settle their differences in peace, and communicate with one another. Intellectually and spiritually, the *Pax Islamica* is the guarantee of freedom to convince, as well as to be convinced, of the truth. It implies that the covenant non-Muslim is to make up his own mind regarding the merit or demerit of what is presented to him. The Qur'an forbids in unequivocal terms any tampering whatever with the process. Repeatedly, God warned His Prophet not to press the matter once he made his presentation, absolving him of all responsibility for the decision for or against, or indecision, of his audience. Above all, "There shall be no coercion in religion. The truth is now manifest and so is falsehood. Whoever rejects and believes in God has attached himself to the most solid of bonds."¹⁸ God commanded the Prophet: "Call me unto the

path of your Lord through wise argument and fair preaching; and argue with them (the non-believers) with arguments yet more fair yet more becoming.”¹⁹ “We have revealed to you the Qur’an that you may convey it to the people. It is the truth. Whoever accepts it does so to his own credit. Whoever rejects it does to his discredit. You are not responsible for their decision . . . (in case people reject the revelation). Say, I am only a warner to warn you.”²⁰

Like the presentation of any theoretical thesis, the presentation of Islam to the non-believer can marshal all the evidence it can; but it can do no more than lay it down. To the over-zealous enthusiast who takes men’s rejection too much to heart, or who is tempted to go beyond presentation of the truth, the Qur’an warned: “Had your Lord willed it, all the people of the earth would be believers. (But He did not.) Would you then compel the people to believe?” . . . Say: “O Men, the truth has come to you from your Lord. Whoever wills, may be guided by it; whoever does not will, may not.”²¹

This position of Islam is all too natural. To tamper with the process of intellection by bringing to bear anything extraneous to the argument would be to vitiate the process. Such interferences constitute a threat to man’s integrity and authenticity. Moreover, a decision arrived at through coercion, bribery or any other kind of interference, would not be the decision sought. For it would be not for its own sake; and hence, immoral. Both the subject of such a decision and the caller who “helped” him to it in illegitimate manner are to suffer punishment in hell. From the standpoint of the *shari’ah* the decision to convert to Islam is null and void to the subject and a persecutable crime for the *da’iyah*, its instrument.

Should the non-believer not be convinced of the truth Islam has presented, he is entitled to an undiminished degree of respect. It should be remembered that when the Christians of Najran heard the presentation made by the Prophet (Peace Be

Upon Him) and some converted and others did not, he continued to give them the hospitality due, accepted their offer to join the *Pax Islamica*, and sent them back to their homes protected by his own guards and accompanied by a trusted companion to advise them in their affairs. The free conscience of man confers upon him unequalled dignity which all the prophets of God knew how to respect. Those of them that took the decision to accept Islam did so of their own free will, convinced of the veracity of the Islamic claim.

Just as the Muslim may not tamper with the process of conviction with extraneous matters, Islam commands him not to give up in case the non-believer persists in his rejection. Da’wah, or calling men to the truth, is an eternal process. For it to be stopped at any time constitutes evidence of despair. However, despairing of any man’s ever seeing the light, of recognising the truth, is not only an insult to him and his natural capacity but a terrible indictment of the whole human race. It implies a denial of *din al fitrah*, the natural capacity with which God has endowed all men at birth. Granted *din al fitrah* the Muslim must renew his call and entrust the rest to God. Indeed he must take the non-believer’s rejection as a new opportunity God has granted him to think out “arguments yet more fair, yet more becoming,” with which to repeat the presentation. The evidence which can be marshalled being infinite, there is no point at which he can give up the hope or effort to convince. It is this constant pre-occupation with the search, establishment and clarification of the truth, the search for ever-new evidence which makes the *ummah*, a class-room and laboratory for the truth on a grand scale. Considering that the Islamic truth is to be appropriated by Muslims as well as non-Muslims, and considering the infinity of relevant evidence, the infinite variety and depth of intellectual curiosity and spiritual temperament, the dialectical search for the truth is constitutive of the world order of Islam. That is why Islam has praised knowledge and

scholarship and regarded the men of knowledge, the scholars, with the highest possible esteem. No religion and no ideology or social system has ever honoured knowledge as Islam. Every page of the Qur'an pays tribute to knowledge and wisdom, to those who are fortunate enough to have it or cultivate it. "Those who know and those who have no knowledge, are they equal?" The Qur'an asks most rhetorically.²² After all, God is the author of all knowledge. he is the Teacher: "He taught by the pen . . . He taught man that which he did not know."²³ "Do not pursue prejudice and capricious opinion that you may do justly. For if you twist the truth or refrain from acknowledging it, God will know it."²⁴

The non-believer enjoys the right to convince the Muslim of his views whatever they are. Two reasons justify and strengthen this right of the non-believer, under Islam. First, convincing is a two-way affair. It is a process of argument and counter-argument. It cannot take place except in a free dialogue between two conscientious persons or parties. That conviction which has not issued from such dialectical process is not the goal of Islam. It assumes the bearer to be a *tabula rasa* on which the teacher inscribes his data — which is false. The kind of knowledge here in question is one which is not appropriate unless it has elicited some reaction, produced some change in the orientation of the subject. Such an effect is never produced without some change in the fiduciary capital of the subject, a change which does not take place without reaction and response to what is presented. As such, this constitutes a counter-presentation which may convince the other person. At any rate, dialogue cannot proceed unless the other party understands the counter-argument and appreciates it. Otherwise, he would not be able to meet it with the relevant rejoinder.

Second, it is only natural that if the Muslim is entitled to present his case, the non-Muslim be equally entitled to do so. This reciprocal right is not affected by either party's abuse,

since it belongs to each of them by virtue of their humanity. It cannot be argued that the non-Muslim may not present his case to the Muslims. The Muslims are presumed knowledgeable about the most precious truth they have. If they are unable to refute the non-Muslim's presentation, their duty is to instruct themselves in their faith, or at least to seek such instruction from their men of knowledge. If they are liable to be converted out of Islam through such presentation, their own weakness in knowledge and faith is alone to blame. Islam does not require the Muslims to shield the ignorant, but to instruct and enlighten them. At any rate, with the advances of modernity in communications technology no such shielding or isolationism will be possible. The counter-argument is going to reach them anyway, and the only protection against what may be feared from the exercise of this right by non-believers is sedition or treason against the Islamic state, or against the *ummah* as a whole. Such would be illegal under the *Pax Islamica* which the non-believer has agreed to, and is prosecutable under the law of the state. If no sedition is involved, there can be no prosecution and no restriction of the exercise of the right to convince others. In case the non-believer recourses to immoral practices such as bribery or any means of coercion and attraction extraneous to the intellectual or spiritual nature of the argument, the Muslim auditor ought first to reject the presentation and denounce its author. Moreover, the Islamic state has then the right — nay the duty — to interfere and stop the public intercourse. The state is obliged to protect its citizens against such means. The honest to God presentation from whichever side it comes must be allowed to proceed without let or hindrance from any course.

The Freedom to be Different

We have seen that as far as religion is concerned, the *dhimmi*, or non-believer in the Islamic state, or covenanter in the *Pax Islamica*, is acknowledged religiously in his unbelief and

granted the rights to convince and be convinced of the truth. It remains for us to ask, concerning the non-believer who persists in his unbelief how far does Islam tolerate his expression of unbelief in his own life and that of his co-religionists?

The answer was supplied by the Prophet's treatment of the Christians of Najran, and Umar ibn al Khattab's treatment of the Jews and Christians of Byzantium after the conquest of its territories. The text of the treaty of surrender of Jerusalem was written by Mu'awiyah, and signed by the Caliph and by Sophronius, Patriarch of the city on behalf of the Christians. It read:

"In the name of Allah, the Beneficent, the Merciful. This is the guarantee granted to the inhabitants of Aelia by 'Umar, Servant of God, Commander of the Believers.

He guarantees for them the safety of their persons, of their goods, of their churches and crosses — whether in good state of repair or otherwise — and generally of their religion.

Their churches will not be changed into dwellings nor destroyed. Neither they nor their other properties will suffer any damage whatever.

In matters religious, no coercion will be exercised against them; nor will any of them be hurt.

No Jew shall be authorised to dwell in Aelia with them.

The inhabitants of Aelia shall pay the jizyah like those of other cities. It will be their duty to eject the Byzantines (i.e. the troops of the Byzantine empire and their clients) from the city. Those that leave voluntarily will be granted safe passage. Those who choose to remain in the city may do so provided they pay the jizyah like the other inhabitants.

The citizens of Aelia who wish to leave with the Byzantines may do so, and may carry with them their goods, properties and crosses. Safety is hereby granted to them as well.

The farmers who happen to be in the city may also dwell therein and pay the jizyah like the other citizens. In case they prefer to exit with the Byzantines, or merely return to their families on the land, they may do so. No collection will be made from them until after the harvest.

This treaty is given under the guarantee of God and the honour of the Prophet, of the Caliphs and the believers on condition that the people of Aelia pay the jizyah due on them.

Witnesses: Khalid ibn al Walid, 'Amr ibn al 'As, 'Abd al Rahman ibn 'Awf, Mu'awiyah ibn Abu Sufyan who wrote it with his own hand in the year 15.A.H.²⁵

The same terms were granted by Muslim conquerors to the inhabitants of other cities throughout the provinces brought under the flag of Islam: notably, Damascus, al-Hirah, and 'Anat by Khalid ibn al Walid; Ba'alback and Himand Hamat, by Abu 'Ubaydah ibn al Jarrah; Ragga by 'Iyad ubn Ghunm, as reported by al Baladhuri in *Futuh al Buldan*. Abu 'Ubaydah granted similar terms to the Samaritans of Nablus. These terms constitute the content of the *dhimma* governing the future relations of Muslims and non-Muslims. In the main, the guaranteed safety of person and property, the right to practise their non-Islamic religions, and to preserve whatever public institutions they had, such as churches, and schools which were usually attached to the churches. The treaties were all drawn in terms which were general and which accorded with the normal vocabulary and expectations of their time. Their spirit has remained normative for all Muslims throughout the centuries

though there may have been some variation in application. It must be noted however that Muslims have been remarkably true to these covenants their ancestors made with the non-Muslims. Today, we may make our own translation of these treaties into modern parlance, while keeping ourselves true to their spirit. Such translations would include both rights and duties.

Since the Islamic position tolerated the *dhimmi* in his unbelief, it follows that he should enjoy the right to bring his children up in his own faith. Besides the right connected with the actual exercise of ritual worship, this implies the right to educate, to assemble, to organise activities. The *dhimmi*'s right to educate his children concerns religion only, not the civil or public life of the Islamic state as a whole, of which he is a member. Hence, the Islamic state should grant his children the right to hear a lesson in their religion at school, but not the right to run their own schools, unless such schools conform in curricula and general spirit to the public schools. The demands of national integration do not permit any system contributing to fragmentation or dissolution of the unity of the state. If the non-Muslim wishes to add more religious education to his children, he should be able to do so in the privacy of his home after school hours. The non-Muslim may not object to his children receiving a lesson in Islam in the public school because in so doing, they are instructed in the ideology of the state which is Islamic, and thus fulfilling a requirement of political integration and patriotism.

Children of the Muslim minorities in secular countries should be, likewise, entitled to receive Islamic instruction while other children are receiving instruction in their religion. If they are subjected to instruction in the secular ideology of the state, they have no recourse but to receive it. If it is to be countered it should be so through parental instruction at home. The principle is that just as *dhimmis* have to submit to and support

the Islamic state, of which they have covenanted to be members, the Muslim minority ought to submit to and support the alien state in which they have taken residence.

The rights of assembly, or organising group activity, are also guaranteed by the spirit of the treaties as long as the exercise of these rights does not adversely affect the security, stability, unity or prosperity of the Islamic state. The *dhimmis* may organise a conference on Biblical exegesis, systematic theology, Christian ethics, church history or iconography, as they please. But they may not organise a conference on the merits of war and peace with Israel, or on the fitness of the Arabic language for modern development unless the general purpose of such a conference agrees with the position of the Islamic state.

In its long history, the Islamic state has fortunately never known any discrimination between its citizens, Muslims or *dhimmis*, in the field of economic activity. The *dhimmis* have always enjoyed unrestricted freedom to perform all the professions. In practically all cases, they have fared better than the Muslims in that their share of the gross national product was always larger than that of the Muslims. This is usually an indication that their contribution to the G.N.P. is proportionately larger than that of the Muslims. The result of their superior effort and self-exertion is certainly theirs to enjoy. They may not therefore be curtailed in any way if the effects of their earnings show off in their houses and buildings, their garments, their horses, automobiles, planes, furniture or other effects of living. If they at one time were prohibited from owning or riding horses, it was on account of the military value of the horse. This would be comparable to their prohibition today to ride Phantom or Mirage airplanes.

May the *dhimmis* work as government and army officers, and how far up the hierarchy may they aspire to climb? The answer is that they certainly may work in any government service to which their personal training has prepared them including

defence of the Islamic state. Only those positions where the decisions to be made require personal commitment to Islam, may be removed from them. Such are the positions in that arm of the judiciary entrusted with the administration of the shari'ah; or of the executive entrusted with the making of general policy of the Islamic state. Naturally, neither the head of the state — the Caliph — nor his viziers — may be *dhimmi*, because of the crucial importance of the judgements they make for the security and welfare of the state as a whole.

The *dhimmi* also have the right to joy, as well as that of expressing themselves in works of art for their own consumption, within the limit of corruption of public morals or undermining of public morals. In the privacy of their own homes, the *dhimmi* are entitled to enjoy themselves as they please, to contemplate such works of art as they please. The moment such enjoyment poses a threat to public morals, the Islamic state has the right — nay, the duty — to interfere and put an end to the activity. A test case of this right of the *dhimmi* may be found in the tendency of modern women's fashions towards greater nudity. Islamic morality has a definite stand on nudity, viz, prohibition. Nudity in public is an offence against the morality and threatens its establishment in the minds and hearts of the *ummah*. Accordingly, no *dhimmi* exercise of his right to joy and beauty may infringe upon the moral sentiment of the public. The same has been literally true of the *dhimmi*'s right to use alcohol and pork, and generally to eat or drink during the fast of Ramadan. Such acts are offences against public morality. If carried out in private, they fall within the prerogatives of the *dhimmi* granted by the Islamic state. Equally, the same provision applies to the *dhimmi*'s right to play and hear music or to enjoy himself with sound. It is generally recognised that sound pollution may not be tolerated and that the state has the right, and indeed the duty, to intervene to stop it. So far, however, this has been interpreted only in physical

terms. Certainly, the Islamic state is obliged to stop physical sound pollution. But it is also obliged to intervene in cases where the pollution is aesthetic, not merely physical. Decadence has many ways; and certainly one of them is through sound. Again, the *dhimmi* may indulge in the privacy of his home but he may not offend by his music or other sounds the aesthetic sentiment of the public.

In this vein, the question may be raised whether or not the *dhimmi* may strike their church bells. The answer is that since this is an old, traditional activity intimately connected with religious worship it ought to be permitted. It was the subject of express authorization in some of the treaties above-mentioned. However, the times at which church bells are supposed to ring are well known. Any increase in their frequency may rightly be subjected to the scrutiny of the state for candidness of motive.

Generally, the *dhimmi* is entitled to actualise all the social and cultural values pertaining to his identity, and he is the sole judge of the circumstances of actualisation, as long as the theatre or field of such actualisation is his personal home or domain, and the object is his own person or the persons of his own household. The moment this domain is transcended, and the actualisation becomes public, or begins to affect other persons, it falls under the restrictive power of the Islamic state. Should the theatre or field be entirely *dhimmi*, as in the case of a village or district whose entire population is non-Muslim, it is legitimate for the actualisation to be carried out in public. Such actualisation must be careful so as not to infringe at any time the public sentiments of Muslims.

Conclusion

In brief, it can be said that in the Islamic state, 'religion' in the Western Christian sense of the term (i.e. in the sense of worship, ritual, personal ethics, personal status) is free, without restriction whatever. In the political and economic realm, the

dhimmi is also as free as the Muslim, the only limitation being the security and prosperity of the Islamic state. He can hold public office or engage in economic enterprise as long as the security and welfare of the *ummah* do not depend on his decisions. In the cultural domain, the *dhimmi* is free only in the privacy of his home, or of his village if it is entirely non-Muslim. Once his action involves others not of his faith, his freedom becomes restricted by the cultural norms of the Islamic state.

It may be questioned why, in this age of cultural chaos and licence, the Islamic state should have any cultural stance at all? Should not culture fall within the domain of the personal?

Islam's answer is negative. A cultural stance is necessary precisely because of the present nihilistic chaos engulfing the world. The connection of culture with morals, and ultimately with metaphysics and religion, is intimate though not readily visible. No system can survive unless it permeates the levels of culture as it does those of politics and economics. Islam certainly has a distinctive culture of its own. All citizens of the Islamic state must partake of it and exemplify it, whether Muslim or non-Muslim. Otherwise, there would be no justification for the Islamic state. A consumer's cooperative society, or an alliance for defence purposes would suffice in its stead between the various *milal* (communities) of which it is composed. It is an Islamic state precisely because, in addition to these desirable 'services' of the cooperative society and defence alliance, it has a special spiritual message to offer mankind and a special role in history. The cultural stance is the embodiment of its message and role. This gives the Islamic state a positive function beyond the negative ideal of cessation of hostilities around which the League of Nations was built. Indeed, the United Nations organisation has hardly transcended this negative ideal, by its numerous projects under UNESCO and other sub-organs. Islam has much more to offer mankind; and

the Islamic state is the organ entrusted with carrying out this spiritual, cultural thrust in history.

Footnotes and References

1. James Pritchard, *Ancient Near Eastern Texts*, Princeton University Press, 1955, pp22-23.
2. Ibid, pp25-29.
3. Ibid, pp72ff, 217ff, 227ff, 267ff, 274ff, 301ff, etc.
4. Romans 14:23.
5. Ernst Troeltsch, *The Social Teaching of the Christian Churches*, Glencoe, The Free Press, 1949.
6. For analysis of this shortcoming, see this author's *Christian Ethics*, Montreal, McGill University Press, 1967, pp248ff.
7. The category *nastika* does not apply to the non-believer, but to the member of Hindu society and believer in the Hindu religious system. Hence, he is always a member in good standing of a Hindu caste, who, for one reason or another, has rejected the authority of the Vedas. A Christian in Paris, a Muslim in Cairo, a Jew in New York are all *mleechas*. Gautama, the Buddha, is a *nastika*.
8. Samuel 54:3.
9. Ibid, 49:22-23.
10. 61:2, 5-6; 60:16. 12; 63:3-4.
11. Qur'an 35:24 16:36.
12. Qur'an 14:4.
13. Qur'an 4:63.
14. Qur'an 3:68.
15. Qur'an 3:64.
16. Qur'an 2:62.
17. I. R. Farouki, 'Islam' in *The Great Asian Religions*, New York, Macmillan, p.329.
18. Qur'an 2:256.
19. Qur'an 6:25.
20. Qur'an 39:41; 10:108. Also 27:92; 6:104; 34:50.

21. Qur'an 10:98, 108.
22. Qur'an 39:9.
23. Qur'an 96:4 & 5.
24. Qur'an 4:135.
25. Ibn Jarir al Tabari, *Tarikh al Rusul Wa al Muluk*, Leyden, 1879-1901, 13 Vol. 1, 2405.

Current Status of Constitutional Rights and Religious and Cultural Freedom in Selected Non-Muslim Countries

S. S. Pirzada

Minorities in General

The problem of minorities with all its manifold implications has troubled world peace and international goodwill for centuries. Despite the many references to minorities to be found in international legal instruments of all kinds there is no generally accepted definition of the term 'minority'. The diversity of historical, economic and social conditions all over the world was perhaps an obstacle to the elaboration of a general concept or definition of 'minority', as its content varied from region to region and from country to country as well as from one historical period to another. Some minority groups were widely scattered, while others were concentrated, forming a majority in certain parts of a country. The term 'minority' applied in certain cases to national, ethnic or racial groups and in others to linguistic or religious groups, the latter not necessarily coinciding with the former. In certain countries the term 'minority', which was felt to have a negative connotation, had been replaced by the term 'nationality' to designate national, ethnic, linguistic or other groups that were different from the rest of the population. Professor D. P. O'Connell defines minorities "as national groups within a State, which on account of race, language or religion and usually all three, constitute

elements within the community distinguished from the majority".¹

The history of minority treatment begins with the Congress of Vienna, 1815, which recognised the liberty of conscience of the subjects of unified Belgium and Holland. A further step was taken in the Peace of Paris, 1856, Article 9 of which referred to the equality of subjects of the ports in the matter of race and culture. The Act of Congress of Berlin, 1878, devised restrictions on the new Balkan states in respect of religious discrimination, but did not refer to inequalities based upon race or language.

During the First World War several efforts were made to establish an effective system of protection of minorities at the international level. In this connection it will be recalled that first of all, on the initiative of a number of private organizations, various congresses and conferences were held during the years 1915-1919 with a view to formulating draft *solutions* to the problem on the basis of the right of minorities to the preservation of their culture and their ethnic character, to equality before the law and to freedom of worship and religion. In addition, the setting up of international supervisory commissions to safeguard minority rights and the establishment of a minorities tribunal were recommended by one of these organizations as guarantees of the application by the regime to be instituted. Drafts of this sort were submitted to the Peace Conference of Paris in 1919.

The question of the protection of minorities was debated when the Covenant of the League of Nations was being drawn up but no specific provision was incorporated therein. On 22 October 1920, right of petition was granted to certain minorities. However, when the League of Nations referred to the minority problem it was not concerning itself with a general concept, but with the particular problems of certain minorities in a few specified spheres in a given region, problems which

arose from the territorial settlements at the Peace Conference.

After the First World War various treaties forming part of the peace settlement scheme and guaranteeing the status of minority groups were concluded. Under Article 9 of the Treaty of Versailles, Poland undertook to enter into a minorities treaty with Germany, which was concluded at Geneva in 1922 relative to Upper Silesia. Another treaty was contracted with Danzig in 1920. In addition, Declarations were made by Albania, Finland, Latvia, Lithuania and Estonia. The whole structure of minority protection depended ultimately on the League of Nations. Not only infractions of the treaty were safeguarded but there was machinery of complaint by way of petition to the controlling organ.

Reference may be made here to the various opinions of the Permanent Court of International Justice which dealt with the question of minorities:

Advisory opinion of 10 September 1923 on German Settlers in Poland (P.C.I.J., series B, No. 6); advisory opinion of 15 September 1923 on the acquisition of Polish nationality (P.C.I.J., series B, No. 7); advisory opinion of 21 February 1925 on the exchange of Greek and Turkish populations (P.C.I.J., series B, No. 10); advisory opinion of 28 August 1928 on the interpretation of the Greco-Turkish agreement of 1 December 1926 (P.C.I.J., series B, No. 16); advisory opinion of 31 July 1930 on the Greco-Bulgarian community (P.C.I.J., series B, No. 17); advisory opinion of 15 May 1931 on access to German minority schools in Upper Silesia (P.C.I.J., series A-B, No. 40); advisory opinion of 6 April 1935 on minority schools in Albania (P.C.I.J., series A-B, No. 64).

In some of these opinions the Permanent Court of International Justice had to point out again and again that mere

laws were not enough, that prohibitions laid down in the minorities clauses had to operate in fact and that a law supposedly general in its effects but actually discriminating against minorities and their members constituted a violation of treaty obligations.

The Peace Treaties signed after World War II abandoned the special minorities privileges of the earlier treaties and dealt only with discrimination. The treatment of minorities as groups entitled to separate traditional institutions was abandoned in favour of the principle of basic equality of human beings in a given country. The techniques for enforcing this equality were, however, much less developed than those under the minorities regimes. The reluctance of states in the post-Second World War era to submit to the jurisdiction of the International Court, coupled with the relative inefficiency of the United Nations to secure conformity with treaty obligations, left the question of human rights somewhat abstract.

UN Charter and Other Conventions

The Charter of the United Nations contains no specific provision in this behalf, but it solemnly proclaims, in a series of provisions, universal respect of Human Rights and Fundamental Freedoms, equality and non-discrimination. Like the Charter, the Universal Declaration of Human Rights adopted by the General Assembly on 10 July 1948 does not contain any reference to the rights of minorities. However, in its Resolution 217-C(III) of 10 December 1948 entitled 'Fate of Minorities', the General Assembly stated that the United Nations cannot remain indifferent to the fact of the minorities but added that it is difficult to adopt a unanimous solution of the complex and delicate question, which has special aspects in each state in which it arises.

The General Assembly later made a general reference to the problem of minorities in its Resolution 532-B(VI) of 4th

February 1952 by stating that the prevention of discrimination and protection of minorities were two of the most important branches of the work undertaken by the United Nations. It will be recalled that a special organ, the Commission on Human Rights, was established to develop and implement the provisions of the Charter relating to Human Rights and Fundamental Freedoms. The terms of reference of the Commission, approved by the Economic and Social Council in its Resolution 5(I) of 16 February 1946, included the protection of minorities. The Human Rights Commission at its first session held in January 1947 decided to establish the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Sub-Commission undertook a study of the rights of persons belonging to ethnic, religious and linguistic minorities. The Sub-Commission's report was prepared by the Special Rapporteur Dr. Francesco Capotorti.

Reference may be made to some of the conventions which at least indirectly deal with the protection of minorities. The Convention on Prevention and Punishment of the Crime of Genocide was adopted on 9 December 1948. Then came the ILO Convention No. 107 of 1957 concerning indigenous and tribal populations whereunder special measures were to be adopted for the protection of the institutions, persons, property and labour of the population concerned. Under the UNESCO Convention against Discrimination in Education, adopted on 14 December 1960, it is essential to recognise the right of members of national minorities to carry on their own educational activities and the use and teaching of their own language. Apart from these, the international convention on the Elimination of all Forms of Racial Discrimination is also important in this behalf.

Convention on Political Rights

On 16 December 1966 an important step was taken. The

General Assembly unanimously adopted the draft International Covenant on Civil and Political Rights. Article 25 of the draft Covenant became Article 27 of the final text. It provided: "In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". The insertion of this article shows that it was realised that there was a serious gap which had to be filled in and internationally guaranteed.

European Convention

The European Convention of the Protection of Human Rights and Fundamental Freedoms was signed in Rome on 4 November 1950. Article 14 thereof provides that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground, among others such as language, religion, or association with a national minority. This is indeed a negative aspect of prohibiting discrimination against minorities in the exercise of the rights guaranteed in the Convention. In 1961, the European Assembly sought to go further by tackling the positive aspect, that is to say, by ensuring minorities of their special rights and advantages which are necessary to conserve their existing character, such as the use of their own language, the practice of their religion, and the development of their own culture. In recommendation 285 (1961), the assembly proposed the inclusion in a protocol to the Convention of a text based on Article 27 of the U.N. Covenant on Civil and Political Rights, but the Committee of Ministers rejected the proposal.² It may be added that Article 9 of the European Convention on Human Rights states that everyone has the right to freedom of thought, conscience and religion and to manifest his religion or belief in worship, teaching, practice and observance. In the case of Ahmad Vs. Inner London

Education Authority,³ Article 9 came up for consideration before the Court of Appeal. In that case the appellant, a devout Muslim, raised the plea that it was his duty to attend prayers in a mosque between 1 p.m. and 2 p.m. on every Friday. It is to be regretted that the majority of Law Lords led by Lord Denning took the view that the appellant's right under this article was subject to Education Authority's right under the contract of employment and accordingly Article 9 did not entitle him to absent himself from his place of work during working hours. Scarman L. J. took a contrary view and remarked:

"But society has changed since 1944; so also has the legal background. Religions, such as Islam and Buddhism, have substantial followings among our people. Room has to be found for teachers and pupils of the new religion in the educational system, if discrimination is to be avoided. This calls not for a policy of the blind eye but for one of understanding. The system must be made sufficiently flexible to accommodate their beliefs and their observance, otherwise they will suffer discrimination. The labour and other enactments were enacted after the United Kingdom had ratified the European Convention on Human Rights (signed in November 1950; in force since 3rd September 1953) and in the light of our obligations under the Charter of the United Nations, today, therefore, we have to construe and apply section 30 of Education Act not against the background of the law and society of 1944 but in a multi-racial society which has accepted international obligations and enacted statutes designed to eliminate discrimination on grounds of race, religion, colour or sex. Further, it is no longer possible to argue that, because the international treaty obligations of the United Kingdom do not become law unless enacted by Parliament, our courts pay no regard to our international obligations. They pay very serious regard to them; in particular they will interpret statutory language and apply

common law principles wherever possible so as to reach a conclusion consistent with our international obligations.”⁴

It is submitted that the majority of Law Lords of the Courts of Appeal have taken a technical view. It is hoped that, having regard to the sentiments of the Muslims, the lacuna, if any, in the relevant law will be rectified by the British Parliament and the appropriate authorities. It may be mentioned that in Pakistan Friday is observed as a closed holiday and Sunday is a working day. However, the Christians have been enabled to attend church on Sunday morning and during that period have been exempted from work or duty.

Selected Countries

BURMA: So far as Burma is concerned its earlier Constitution of 1947 contained ample provisions for the protection of minorities. Article 20 of the said Constitution provided that all persons were equally entitled to freedom of conscience and the right fully to profess and practise religion. Article 21 thereof stated that the state recognised the special position of Buddhism as the faith professed by the great majority of the citizens of the Union. However, under the said article the state also recognised Islam, Christianity and Hinduism as some of the religions existing in the Union.

In or about March 1962 General Ne Win assumed authority, suspended Parliament and proclaimed a new Government. Eventually the old Constitution was annulled and a new constitutional instrument was promulgated which is conspicuous by the absence of the corresponding provisions relating to Muslims and other minorities referred to above.

In Burma the Muslim population is estimated to be about 10 per cent, i.e., 2.8 million. Since the takeover of the Government of General Ne Win Muslims have not been permitted to go for Haj. The Muslims of the Province of North Arakan (which adjoins Bangla Desh), who are known as Rohingyas, have been

subjected to a great deal of difficulties, specially of a discriminatory nature. The Rohingyas constitute the majority in the Maungdaw and Buthidaung areas. Their numbers are also large in the Kyauktaw and Akyab areas. They are a settled local population, who have lived in their areas for more than five hundred years. They are citizens of the country. Being concentrated in a small territory, they have preserved their language and culture, but that is no reason to subject them to any kind of discrimination amounting to suppression. In recent years, it has been wrongly alleged that they are foreigners and under this false plea they were pushed across the border. Several hundred were arrested under immigration laws for alleged unauthorised entry into the country; a number of them have been in detention for more than ten or fifteen years. They, of course, refuse to leave the country, as they rightly assert that they are Burmese citizens and have no other country to go to. Muslims of Northern Arakan are not allowed to go to other parts of the country, except with a permit, which again is a clear example of discrimination. There are frequent complaints of forced removal from lands, of violence and of assaults on women. It is difficult to say how much of all this is with the knowledge or connivance of the authorities, but the fact remains that the Arakanese Muslims are suffering thereby.⁵

Recently more than 200,000 Muslims fled from Burma to Bangla Desh. For several weeks between 3,000 to 4,000 refugees were crossing the border daily. Bangla Desh News Agency reported that a number of Burmese refugees, most of them children, died in border camps after crossing into Bangla Desh and many more were seriously ill. Quoting official sources, the Agency said that most of the deaths were caused by diarrhoea and malnutrition. The Agency further stated that thousands of people, fleeing from atrocities, crossed into Bangla Desh every day. No Government should allow the alienation of a large and loyal segment of the country's population, least of all

one that is confronted with a variety of divisive and disruptive forces. It is sincerely hoped that the Government of Burma will take steps to restore law and order in the Arakan area and bring to book the lawless elements who threaten the life, honour and property of the Muslims of the area and will allow the refugees to return to their original places from where they were forcibly evicted.

ETHIOPIA AND ERITREANS: Ethiopia is an independent African state, with Addis Ababa as its capital. For decades the empire of Ethiopia has really been nothing more than a collection of disparate feuding fiefdoms held together by the military power of the deposed Emperor Haile Selassie. Yet this country clings to the occupation of the territory of Eritrea and enslavement of its people mainly because Ethiopia is landlocked.

Eritrea was an Italian colony from 1890 to 1941. However, following Italy's defeat in the Second World War, the British troops entered Eritrea and dislodged the Italians. The country became a UN Trust Territory under British administration. In 1952, the British troops pulled out of Eritrea. The territory was federated to Ethiopia by a resolution passed by the United Nations which did not take into consideration the wishes of the Eritrean people, who were opposed to such federation and had hoped for full independence just like the other former Italian colonies, i.e. Libya and Somalia.

Under the federation, Eritrea had a government of its own, parliament, national flag, emblem and security forces responsible for home security. However, upon the departure of the British troops, Ethiopian forces were despatched to occupy the main towns and key places in Eritrea. In 1958, the Eritrean flag was thrown away and on 14 November 1962 the Eritrean National Assembly (Parliament) was dissolved. Ethiopia occupied the entire territory of Eritrea, annexed it and forcibly

incorporated it into its empire and declared it as an Ethiopian province.⁶ In the meanwhile in September 1961 the Eritrean people had taken up arms when they saw that Ethiopia was bent upon swallowing their homeland and obliterating their independent entity. At present severe fighting is going on. The Ethiopian forces, aided and abetted by foreign mercenaries, are trying to crush the Eritreans.

INDIA: Articles 25 to 30 of the Indian Constitution contain ample safeguards for the protection of minorities. Under Article 25 all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion. Article 26 confers the right to establish institutions for religious and charitable purposes and to manage affairs in matters of religion. Article 30 provides that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their own choice.

The Indian authorities claim that the Muslims and other minorities are being treated justly and fairly. Mr. K. L. Gauba's book *Passive Voices* portrays the pitiable plight of the Muslim minority. It is unnecessary to enter into any political controversy; suffice it to say that some of the decisions of the Supreme Court of India, dealing with the various fundamental rights relating to the minorities, are controversial. Reference may be made to the case of *Azeez A. Badshah Vs. Union*. In this case the petitioner impugned the validity of the Aligarh Muslim University (Amendment) Act 1965 on the ground that the amendment deprived the Muslim minority community of its right to manage the famous University established by the Muslim community. The Supreme Court held that the impugned Act did not contravene Article 30 of the Indian Constitution.⁷ It is not necessary to go into the depth or details to show that the decision of the Supreme Court is erroneous and that the various aspects of the matter were not fully considered

by the Supreme Court. Suffice it to refer to the observations of Mr. H. M. Seervai, former Advocate-General of Maharashtra:

“It is submitted that this is the first case in which the Supreme Court has departed from the broad spirit in which it had decided cases on cultural and educational rights of minorities. In the present case, the Supreme Court has on narrow, technical grounds, which were erroneous, held that a minority community which had striven for, and obtained, the establishment of a Muslim University and endowed it with considerable property and money, had not established that university, and that provisions of the Act of 1920 vesting the supreme Government of the University exclusively in Muslims did not vest the administration in Muslims. On the Supreme Court judgment there is nothing to prevent Parliament from converting the Muslim University into a University for foreign students or for backward classes. It is submitted that the decision is clearly wrong and productive of grave public mischief and should be overruled.”⁸

PHILIPPINES: As regards the Republic of Philippines there are about five million Muslims there. They are largely concentrated in the group of four islands in the south, namely, Mindanao, Sulu, Palawan and Basilan. The Constitution of the Republic provides that no law shall be made respecting the establishment of religion or prohibiting free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. Notwithstanding the constitutional safeguard, the Muslims are suffering severely in the south. The problem could have been resolved by the granting of autonomy to the Muslims in the said areas, but this has not been done.

A section of the Muslims led by the Mindanao and Sulu Liberation Front, has made a demand for complete sovereignty. There has been an armed struggle. Muslims have suffered great

losses. A large number of mosques have been desecrated, thousands of persons have been killed, and tremendous losses have been inflicted on properties. Only recently a truce was arranged through the intervention of President Qaddafi of Libya. The Islamic Secretariat is assisting in trying to find a solution to the problem. The most representative political organisation of the Philippino Muslims is the MNLF (Moro National Liberation Front) led by Prof. Nuri Miswari. The Moros form the Mujahid Wing of the Muslim community of the Philippines.⁹ For the sake of maintaining peace in the area, and under the influence of the Islamic Conference of Foreign Ministers, the MNLF whittled down its demand for sovereign independence to that of accepting the status of autonomy of the 13 provinces of the south but despite continuous efforts of the Islamic Secretariat and those of President Qaddafi, the authorities are procrastinating in the granting of meaningful autonomy to the 13 Muslim Provinces of the south.

Notes and references

1. D. P. O'Connell, *International Law*, Second Edition, Vol. II, p759
2. A. H. Robertson, *Human Rights in Europe*, Second Edition, p281.
3. (1978) A.E.R. 574.
4. 1978(1) A.E.R. 574 (583).
5. Motamar Al Alam Al Islami, *Muslim Minorities* (Rashid Report), p5.
6. *Star*, 21 February 1975.
7. A.I.R. 1968 S.C. 662.
8. H. M. Seervai, *Constitutional Law of India*, 2nd Edition, pp615-616.
9. Rashid Report, *op. cit.* p19-20

Evolution of Human Rights in the West and its Implications for Muslims

Khalid M. Ishaque

The process leading to the recognition of the present day human rights in the West spreads over centuries. A few important landmarks stand out reminding one of the major political changes sought or justified by articulation of the theme of human rights: the Magna Carta in 1215, the Bill of Rights in 1688, the American Declaration of Independence in 1766, the declaration of liberty, equality and fraternity made in the first French National Assembly after the Revolution in 1789 or the Charter of Human Rights adopted by the U.N. in 1948. Yet, it is possible to argue as Corwin has so convincingly done in his famous book *The Higher Law Background to American Constitutional Law* that in the strictly Western tradition the existence of the idea of human rights may be traced to the early teachings of Christ and even in pre-Christian Greek thought; as also in that entire Protestant tradition in England and in the Calvinism of New England. In England, much before the French Revolution, Milton, while protesting against pre-censorship, talked of human rights in terms we could easily appreciate in the 20th century.

A plea for human rights is essentially an attempt to affirm the dignity of man, to deny the claim of special status to those without special merit. Ex-facie the question crops up whenever powerful minorities or majority groups, by abuse of social

instrumentalities, seek to collect special dividends disproportionate to their merits or superiority. The debate about human rights becomes most acute when legal or administrative instrumentalities are used to block just changes in the *status quo* or to achieve decimation of a protesting minority which potentially threatens the *status quo*.

In another sense the question of human rights in the West is also directly connected with the democratisation of wealth, power and culture. It is common knowledge that the Renaissance and the Industrial Revolution brought new and unprecedented knowledge and prosperity to the West. The fruits of imperial expansion multiplied the prosperity manifold. A new class of traders and technicians came into existence who sought a niche for themselves in the power structure of the Western society. Soon enough the protest against inequitable distribution of wealth and status became a roaring tide striking again and again to overthrow the existing order. Everyone was seeking a share of the large cake, in the making whereof he had or could potentially have contributed. Reluctantly and very grudgingly, some initial concessions were made to buy peace but not to establish justice. The die was, however, cast; the rise of democratic institutions with powers to change all existing norms provided a new and effective weapon to those preaching and seeking enforcement of the egalitarian principles.

One must, however, not lose sight of another equally important factor of protest against religious discrimination. New knowledge and new techniques irretrievably shattered the *medieval* Christian world-view. Martin Luther, pejoratively called 'the dog of Mohammad' by some of his critics, got away with his protest because the liberal winds from the world of Islam were blowing both from the East and the West, and its development Rome could not block for long. The battle, however, for liberty of conscience was not so easily won. Innumerable people had to suffer mass persecution for

centuries before the tide was turned. A part of this story was the historic journey in the 'Mayflower' by a few who wished to find a city of God in the new world. The protest against discrimination of religious minorities was assured success the day the 'Mayflower' sailed with 'the fighters for freedom of human conscience' to the new world.

The battle against discrimination on grounds of race, however, was more difficult. Abraham Lincoln had to wage a civil war to merely affirm the humanity of the negroes. Yet, the negroes in the U.S.A. had to suffer for another 100 years before the struggle and efforts of the great negro leader Frederick Douglass bore fruit. The struggle, like the eternal combat between good and evil, is on even today. The faces and settings may be different but the identity of the core of the conflict remains, i.e., continued struggle against those who seek to retain without right and to deny without justification. It is a struggle to affirm the basic dignity of man and his merit, a war to establish such equality of men, that no white man may claim superiority over a coloured one by reason of colour, nor an Arab over a non-Arab, nor a non-Arab over an Arab, by reason of birth or race. The entire effort is to secure that quantum of liberty to all beings as is necessary for all meaningful progress. During the last two centuries, inspired by commitments that cared more for the moral principle than the ritual and seeking to establish a democracy of virtuous men, people in power in the larger West, including the U.S.A. were often able to transcend the desire for mere personal gain, in the political as well as the economic field. Rich dividends were reaped.

However, as it often happens in history, an unprecedented era of prosperity progressively replaced those who thanked God by those who thanked the machines. Of course, several other factors also played a role in bringing about the final outcome. Preoccupation with wealth and economy became the new religion. The dazzling success of the West was sung about in

every key. It was not the workers but the rich ones who fulfilled Karl Marx's prophecy of the absolute ascendancy of the economic motivation. The Communists, while loudly proclaiming to be heirs to Marx's heritage, diligently went about the business of accomplishing Socialist revolutions in a wholly uneconomic manner. The liberal West, while clearly denying the primacy of economic motivation, went about assiduously proving the total primacy of economic commitment over all others. Widespread prosperity, as it often happens, makes fewer demands from the individuals. The public spirit, the concern for objectives larger than one's immediate interests, is chilled and diminished. The heirs who spend the patrimony rarely remember the efforts that went into putting it together. Very often they spend more than they make. Understandably, they seek to take more than they give. It is majorities of such a type which create problems for minorities, by indifference to the all important objective of securing justice between human beings.

Secularization of human objectives has in the Christian West caused decline of identification in denominational terms. Discrimination on the ground of sectarian differences is becoming less common. Election of a Catholic as President in the U.S.A. and the absolute ascendancy enjoyed by the Jews in the Christian economies of the West indicates all too clearly that identification at least of the denominational type is not as high a priority in the average mind as it perhaps was about 70 years ago. Yet, somehow, the bitter experience of the West during the Crusades continues to colour their approach towards the Muslim minorities.

When government was not ubiquitous discrimination was largely at the individual level. When newspapers, radios and T.V. were not there its incidence could remain covert. It cannot remain so when governmental agencies working through armies of prejudice-ridden bureaucrats seek to run a welfare state.

When minorities no longer accept and reconcile with their inferior status and consciously and openly protest, the struggle becomes overt and sometimes aggressive. The conflict sometimes becomes an open war, full of individual tragedies irrespective of the ultimate outcome. In the welfare oriented states where so much of social largesse is officially distributed, the individual suffering is so much more than of those living in ghetto societies.

Historically speaking, in such situations either the minorities have reconciled to inferior status or have migrated like Jews from Pharaoh's Egypt or have been overwhelmed into a merger into the majority or have sought to discover an intermediate status of *modus vivendi* involving neither total breach nor total integration. In comparatively free societies, with official commitments to non-discrimination on grounds of religious faith, such a *modus vivendi* is easier than the other two options.

It must be understood without any reservations that any minority, and particularly an ideological minority which seeks to maintain its self-identity, must not expect total acceptance in a social order which does not accept or fully share its commitments and priorities. A certain amount of suffering is inevitable. But to be able to survive, the minority must somehow maintain its self-respect in all conditions of adversity and prosperity. This is not possible without a practical faith, without positive commitment to one's identity, and above all without a will to stand up for and to suffer for one's cause. The Meccan period of the Prophet's (peace be upon him) life is a source of constant guidance for Muslim minorities living in non-Muslim communities.

Suffering would be there irrespective of the legal remedies that might be available. The legal process may be corrupted or misguided. It took the U.S. Supreme Court fifty years to upset the equal but separate principle (1898) and to hold that separateness in educational institutions is *ex-facie*

discriminatory. Yet, the struggle in the court of law is not entirely without utility. Every case provides an opportunity, irrespective of the outcome, of showing the wounds of suffering to eyes conveniently turned blind, to make the expediently deaf ears hear the shrieks of pain, to boldly state in the halls of most solemn institutions of the realm, why hands must be raised in aid of justice and humanity. In the memorable words of Ghalib:

“Who can say that the wailing of bulbul is ineffective. Don’t you see that one flower has itself broken into a thousand petals”.

The limits of the paper do not permit total coverage of the problems of all types of minorities. Therefore the rest of the paper would be confined to an enumeration of the possible responses. But before we talk about the responses we must recognize the fact that today there are large areas where Muslims have declined from a position of supremacy to one of tolerance to one of outright rejection. One cause amongst others was their failure to adequately respond to the challenge of contemporary modernism. In these areas, like Central Asia, allegiance to Muslim historical heritage replaced that to Tauheed. Eyes were constantly turned to history, and love of Islam displayed itself not in inventiveness and power, but by seeking only to preserve the appearance of Muslim symbols, and empty ritual. Part of our wounds are self-inflicted. A prime duty of the community is to rediscover that which is permanent and dynamic and that which may be discarded as mere historical accretion.

Minorities which admittedly do not share the ideological priorities of the majorities have been tolerated, if their role is otherwise constructive; to put it differently, if the total contribution by them in terms of services performed is greater than the irritation they cause by being standing symbols of a

different value system, which rejects the value system of the majority. For example, if the minority provides productive labour force or artisans, or competent doctors, scientists, traders or industrialists, and are largely competently doing their jobs they may be tolerated even if not fully accepted.

On the other hand there may be and in fact exist around the world minorities struggling even to retain mere symbols of their self-identity. They need a different type of help; and in regard to them the duties of the *Ummah* would require short term as well as long term aid plans.

Of course, at present the division of the *Ummah* in several national states is considered the politically inviolable dogma whose hegemony must under no circumstances be threatened. This is a recent development at least for the *Ummah*. The grafting of nationalism has stunted the growth of *Ummah* and the horizontal mobility within the community. A very large section of Muslims capable of renewing the vitalizing role of *hijrah* have been rendered the helpless weak of the earth! The majority areas now established as national states must consciously confess to part of their guilt. Some out of fear of poverty and some to guard their treasures have closed their borders. By an irony of history, in spite of the cleverness with which they justify themselves politically speaking they have also become the villains in the family of nations. The Muslim communities in non-Muslim communities will continue to suffer helplessly, because the so-called free Muslim nations are even collectively so weak that their most serious threats carry no weight. Hajjaj bin Yousif sent armies from Iraq to aid three looted women. Are we able to do so for Palestinians, Kashmiris, Burmese and Eritreans?

So far as the minorities themselves are concerned, they must realistically assess the help they can receive, and must remember that whenever the going becomes tough for the lost majorities whether in terms of international or national affairs,

or even in purely economic terms, they often tend to make scapegoats of the minorities. In such situations all the differences are aired and emphasized. Such periods are crisis periods for the minorities, with considerable threat of victimization, injury or loss to the individuals.

There are, however, certain ground rules for minorities useful at all times but absolutely essential during crisis periods:

By and large they must maintain a high standard of performance within the social group in which they live. As far as possible, they must earn what they consume, and contribute more than they collect from the kitty of social services. From another point of view also this is a matter of profound importance. The fewer their demands, the fewer would be the conflict situations in the field of distributive justice.

This would of necessity require that the less fortunate amongst them should be helped directly by those who command greater resources. The help must always be so given as to preserve self-respect, to make the needy one ideologically strong and economically productive in the sense referred above.

There will always be some who, as a counterblast to the majority's inclemence, like to go the path of covert and discrete exploitation of the majority. Such a counsel, historically speaking, several powerful minorities have adopted much to their ultimate misfortune. For the Muslims, the path of social parasitism is as securely blocked as that of exploitation and unwise confrontation. The Prophet (peace be upon him) has said: "Who can be worse than he who does not work" and the Qur'an has criticised the exploitative behaviour of 'the people of the book' (III 75). It has also pointed out the objective limits within which believers must resort to confrontation (VIII, 65-66).

The minorities must develop sophistication in trades and industries. The principle is really a corollary of the first one. There is always a lot of clamour at the bottom of the ladder.

When the going is rough the people who get hurt first are again those who are at the bottom of the ladder. By building up sophistication and specialization within their ranks, they can escape the worst effect of cyclic or stagflationary unemployment.

Now, such sophistication can come about only by more intelligent, objective-oriented investment in human as well as economic objectives. In fact by 'selective investment' members of the community would avoid discrimination against them at their level. By producing ever in demand scientists and technicians, and by building up the community's major interest in specific sectors they would avoid discrimination amongst equals, and buy platforms for effective give and take with the majority groups. A little thought would bring many examples to mind.

Allied to this subject is the possibility of building up international investment bodies of the Muslims, which could in terms of strict economic feasibility support on short, medium or long term basis investment in particular types of ventures. At some future date such ventures could be inter-related with other ventures in other Muslim countries to avoid the usual risks of market conditions.

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It will also be necessary to establish institutional frameworks for education and training of specialists at all levels. These would not be parochial schools but institutions, largely future-oriented, turning out the type of manpower capable of manning all industrial jobs in industries and services chosen by the community for special development. In the process of developing sophistication, scientific subjects should receive first priority.

A fund should be established to build institutions giving such specialised training. In this field, and in regard to the preceding two suggestions, the Muslim countries with vast economic reserves could play a leading and creative role. If the Muslims

succeed in establishing institutions of higher learning in really large numbers, they would soon enough be producing specialists in such large numbers as would of necessity find ways into the higher echelons of power, whether in industry, trade or government. This development would itself be a major stabilizing factor.

An important but dangerous period for minorities is the time immediately preceding elections. When the going is rough, the leaders seeking the majority votes try to blame the minorities for the real or imaginary misfortunes befalling the majorities. One way of protecting oneself is to establish strong interests in all the media. This would be advantageous in various ways:

- (a) to counter-balance irresponsible propaganda;
- (b) to present their point of view in a responsible manner;
- (c) to constantly endeavour to establish peace and amity between the majority and the minority.

All Muslims, wherever they be, are under an obligation to propagate the word of God, they of necessity must develop all means of reaching to the people the light of truth.

It is a matter of paramount importance that all the Muslims must understand that living outside Islamic communities creates special obligations for them. If they live in lands which are not governed by the Shariat, then their constant endeavour should be to establish such relationship with the majority as would make it listen to the Islamic solutions of the problems of humanity. This cannot be done in non-Islamic countries without establishing a proper peaceful *modus vivendi*, so that people become willing to listen to 'the Word of Allah'. For this purpose, working through the media is absolutely essential. Victories won in peace and amity are so much sweeter than those won in war.

The Problems of Muslim Minorities and Their Solutions

M. Ali Kettani

Introduction

In order to ensure clarity in the subject of our study from the very beginning, it seems necessary to define first the terms 'minority', 'Muslim' and the appellation 'Muslim minority'. Webster's Seventh new Collegiate Dictionary defines a 'minority' as "a part of a population differing in some characteristics and often subjected to differential treatment". *However*, it is not enough to realize the coming into existence of a minority. For instance, it is clear that the factor that leads to the formation of a minority is the existence among a group of people of different characteristics. But, if those who possess these different characteristics are not aware of them, nor have achieved any solidarity because of that fact, such a group of people can hardly be termed a minority merely because of the existence of 'different characteristics'. Nevertheless, if the majority becomes aware of their different characteristics and starts meting out 'different treatment' to those who share them, the chances are that such an action on the part of the majority would induce an awareness among those who share the different characteristics, thus leading to the coming into existence of a minority. The characteristic might be a physical one such as the 'colour of the skin'. Because of the differential treatment meted out by the majority in the United States of America to those who

share this characteristic a black minority has come into being. The same characteristic is considered completely irrelevant in a Muslim environment and a black minority in Morocco, for instance, does not exist, although many Moroccans are black. Similarly, the characteristic might be 'linguistic'. In a truly Muslim environment, the difference in language too is irrelevant. In the early days of the Ottoman Empire, this principle was strongly adhered to and hence there could be no talk of 'linguistic minorities'. However, as the European-inspired nationalism started competing for the allegiance of Muslims with the 'Islamic identity', linguistic minorities started coming into being, leading eventually to the break-up of the Muslim Ottoman State. On the other hand, a group of people might still be a minority even though they have bigger numbers in the population if somehow they are 'subjected to differential treatment' by a smaller but a more influential group having different characteristics.

In this paper the word 'Muslim' is used to denote all those who affirm Muhammad, son of Abdullah (peace be upon him), to be the last messenger of Allah and hold his teachings to be true, irrespective of the extent to which they know about these teachings, or the extent to which they are able to live according to them. This naturally engenders a feeling of identity with all who share the same beliefs. For the purposes of this discussion a person would be considered a 'Muslim' as long as he feels, even vaguely, to be part of the overall *Muslim ummah* wherever he might be.

A 'Muslim minority', therefore, is "a part of a population differing in the fact that its members are Muslims and is often subjected to differential treatment". For such a minority to be in existence it is necessary that those who share the 'different characteristic' of being 'Muslim' should be aware of such difference and should have attained a degree of solidarity because of it. Otherwise there can be no 'Muslim minority'.

Finally, one should point out that a Muslim community might be numerically inferior but superior politically, or socially. Such a group is not a minority. This would apply, for instance, to the Muslims of Moghul India. On the other hand, a Muslim community might be numerically superior to the non-Muslims but might be relegated to a position of insignificance and ineffectiveness by the more powerful non-Muslims even though the latter might be numerically inferior. In this case, the Muslims should be considered to be a 'minority'. Today, some countries of the world fall in this category: Albania, Lebanon, Ethiopia and Tanzania are a few examples.

Types of Muslim Minorities

Islam itself began as a minority, a minority of one person, namely, that of the Prophet Muhammad (peace be upon him). But the quality of that Allah-chosen man made that minority grow despite all persecutions. It eventually became a majority in Arabia before the death of Muhammad (peace be upon him) in a span of time shorter than a quarter of a century.

Islam discourages a Muslim to acquiesce wilfully to a state of minority if he cannot exercise his right to worship the One True God. In this case the Muslim is required to emigrate to a more propitious land, with the intention of returning to his original homeland and securing his right to live according to Islam. Emigrating for the protection of one's belief is an act of religious merit; in some cases it is even a religious duty. Such a man is a *muḥajir*, but not a refugee. He is required to work hard to prepare for his return, and the Muslim community at large is required to help such *muḥajirs* even if there might be no other way for them to return except by force. This is the case of the first Muslim wave of emigrants from Mecca to Abyssinia during the Prophet's lifetime. This is a case in a more drastic way of the emigration of the Holy Prophet Muhammad (peace be upon him) from Mecca to Medina with the entire Muslim com-

munity. So important was this event for the Muslims that it became the starting point of the Muslim calendar. The Prophet (peace be upon him) returned to Mecca with the Muslims when they were able to fight their way back to their homeland. Therefore, when the right of a Muslim to practise his faith is denied by any power, he must either fight back in self-defence, and become a *mujahid*; or if he cannot fight or fails in this fight, he should emigrate and become a *muhajir*. If he can do neither the one nor the other, he should keep his faith, even secretly if he has to, and try his best to pass it at least to his descendants. A Muslim may also emigrate either in search of knowledge or of material benefits, etc., as long as his faith is not endangered. In this case he should try to present the living example of a good Muslim by his actual conduct and should also be the carrier of the message of Islam to the people around him.

The first Muslim minorities came into being as a result of the Muslim merchants settling down in foreign port-towns for commerce. In the beginning these merchants were ambassadors of a strong state and carried all the prestige that it implied. These were the first Muslim communities on the coast of India, Ceylon, China, East Africa, the Indonesian and Philippines archipelagos and the Islands of the Indian Ocean. In the course of time these merchants married local women and already the second and third generations became a part of the land. Often local populations were converted to the new faith, giving numerical strength to the Muslim community. In several areas these conversions were on such a large scale that what appeared in the beginning as insignificant minorities became, in course of time, full-fledged majorities, as in the case of Malaysia and Indonesia.

The Muslim state expanded dramatically after the death of Prophet Muhammad (peace be upon him). For over a century the Muslims remained organized as one political entity, but later this broke into several fragments. Despite political

fragmentation, the Muslims were held together by a common religious outlook, a common standard of moral evaluation and a common legal system. Moreover, their religious idealism provided them with the impetus to develop one of the greatest civilizations of human history so that for many centuries they remained the leaders of all mankind in all branches of life. But the success of one nation does not abide for ever, and eventually their civilization was also subjected to decline. This manifested itself in the shrinking of the Muslim states and the conquest of Muslim territories by non-Muslims. The result was that many Muslim majorities were brought under non-Muslim powers. The development usually follows the following pattern. First, a community is reduced to ineffectivity despite its numerical majority because of non-Muslim occupation, and when the occupation lasts long enough, the majority is transformed into a numerical minority because of large scale expulsion of Muslims, immigration of non-Muslims, and low rate of natural increase among Muslims owing to abnormally difficult conditions. In this category fall the 'minorities' of the Soviet Union, occupied Palestine, Thailand, Ethiopia, Bosnia-Herzegovina in Yugoslavia, etc.

There is another type of Muslim minority which is slightly different from the one mentioned above. This is the case when Muslim rule in a land does not last long enough, or the efforts to propagate Islam are not vigorous or effective enough to transform the Muslims into a numerical majority in the lands which they rule. As soon as their political power collapses, the Muslims find themselves reduced to the status of a minority in their own country. This applies to India and the Balkans.

A third type of Muslim minority might come into existence by the conversion of a certain number of non-Muslims in a non-Muslim environment. If these new converts become aware of the importance of their Islamic beliefs and assign to it priority over other characteristics and attain solidarity with each other

because of sharing those beliefs, a new Muslim minority comes into being. Usually, the immigrant stream and the converted stream fuse together to establish a Muslim minority well adapted to the local culture and yet well attached to the Muslim *ummah*. An example of such a case is the Muslim community of Sri Lanka which is actually the fusion of Muslim immigrants from South Arabia and converts from the island. Culturally, however, these Muslims adopted the Tamil language, also used by Muslims of South India, rather than the Sinhalese language, but kept the Shafī'i *madhhab* of the first Arab immigrants.

As mentioned above, many Muslim minorities come into being by individual actions: either the emigration of an individual Muslim to a non-Muslim land, or the conversion to Islam of a non-Muslim in a non-Muslim land. By such an individual action a 'different characteristic' comes into being: that of not following the religion of the majority. However, the existence of Muslims in a country does not imply the existence of a Muslim minority, unless an awareness takes place among them leading to an extent of solidarity among them as a result of trying to keep this 'different characteristic' in existence. Organization can be defined as indeed such a solidarity-inducing action. Without organization, in one form or another, there can be no Muslim minority, and the Islam of the different individuals is likely to be eroded with the lapse of time and would die out with the death of its carriers.

Therefore, the fact that Islam has no clergy should not be misleading. Islam is a way of life as well as a religion. When Muslims find themselves outside *dār-al-Islām*, it becomes their duty to organize themselves in order to be able to safeguard as much as possible of their way of life. Most Muslim minorities have done this by electing their own *qa'id* and nominating their own *qādīs*.

The organizational action has, perforce, to start with the initiative of certain individuals among the Muslims. Such

leaders of the community emerge usually from among those Muslims who have some leadership qualities and a higher perception of the need of solidarity-inducing action for survival. The quality of such organization depends on the quality of such leaders and on the knowledge of Islam and its principles.

Once a Muslim finds himself in a non-Muslim environment it becomes his Islamic duty to get organized with other Muslims. The Prophet (peace be upon him) commanded organization by stressing that even if two Muslims go on a journey, they should chose among themselves an '*amir*'. The Prophet (peace be upon him) is also quoted to have said that if a Muslim dies without having an '*amir*' he would have died a '*jahili*' death. Of course, the choice of the *amir* is to be understood as an organizational set-up for the Muslims in a given land, or subjected to circumstances in which they have to take solitary actions as Muslims.

Islam is a 'social religion' in the sense that a person cannot become a Muslim unless he *actively* cares about his Muslim brothers. The quotations of the Prophet (peace be upon him) are many in this respect: "None among you can become a believer unless he desires for his brother what he desires for himself"; "Muslims are like one body; if a part of the body hurts, the whole body is sick"; "If one among you sees a wrong being done, he should change it with his hand, if he cannot, then with his tongue; if he cannot do so then with his heart, and that is the weakest state of Iman". Therefore, it is an Islamic duty for a Muslim, especially in a non-Muslim environment, to become organized with other Muslims.

The organizational set-up should be aimed at establishing a viable Muslim community. For this it has to be based on Islamic principles. It should also be effective and efficient. The general principles on which such an organizational set-up should be based are the following:

1. The Muslim identity of the organization should be clearly spelled out.
2. The Islamic principle of '*shura*' should be fully observed.
3. The limit of the organization should be a given political entity.

The first condition implies that the organizational set-up should be open to all those who are Muslims (as defined above). The organization should not be an elitist gathering consisting only of those who are the 'best' Muslims. It should also not be a partisan gathering consisting only of those who have identical or similar political views. It should not be a sectarian gathering consisting only of those who follow a certain *madhhab*. It should not be a national gathering consisting only of those who have the same national origin. It should not be a racial gathering consisting only of those who belong to the same race. It should not be a professional gathering consisting only of those Muslims who belong to the same profession. It should be an organisation that would throw its doors wide open to all Muslims respecting the fact that they are Muslims and disregarding everything else.

However, talking about organization implies sub-grouping within an overall system. What should then be the basis of the sub-grouping? In principle, the only Islamically acceptable basis would be geographical. For instance, all the Muslims of a town, or part of a town, or a country would form one *jamaat* (association), all the *jamaats* within a state or a region would form a council and all the councils of the nation would form a federation. Each *jamaat* would have its mosque (as defined in the time of the Prophet (peace be upon him)); the mosque being a full-fledged community centre, a place of worship, of education, etc.

The Muslims within each association could be divided into several chapters of the community comprising several linguistic groups. In this case there is no contradiction with Islamic

principles. For Muslims sharing the same language to form a chapter in the association, or even a full-fledged association within the council.

The second condition is that the '*shura*' principle should be fully observed. In this connection we have to bear in mind the following directive of the Prophet (peace be upon him). "There may be no obedience to a creature if that entails disobedience of the Creator". The '*shura*' must be implemented within the limitation of the safeguard of Islam. In other words, the Muslims should have complete freedom of choice of their leaders and their actions within the limits set as '*halal*' or '*ja'iz*' by the Qur'an and the Sunnah. Therefore, the Muslims should elect among themselves their office bearers and leader, and should be able to change them as they want. For this, constitutions which are not in contradiction with Islamic principles should be framed for the local *jamaat*, the regional council and the national federation. These constitutions are meant to put in the written form the consensus of the Muslims regarding the means of handling their affairs. They should be changed with the change of such a consensus.

The third condition is that the organizational set-up should be effective. To be effective an organization should gather all those Muslims who find themselves under similar non-Muslim conditions represented by a given non-Muslim establishment. In other words, this implies the gathering of all the Muslims living within a non-Muslim political entity.

Economic, Social and Political Problems

The differential treatment to which the minority is subjected is often of an economic nature. If the Muslim minority considered was part of a Muslim majority then the differential pressure of the invading power usually tends towards confiscations of *awqaf* property, elimination from positions of influence of members of the Muslim community, nationalization of business from which

the minority draws its strength, expropriation of property, especially land, etc. As for the 'Muslim Minority' that came into being as a result of the gathering of Muslim immigrants and converts, such a minority should start everything from scratch by resisting such an economic encroachment.

In both cases the 'minority' should make an effort to resist such an economic deterioration. To do this, it should increase its solitary action and support its organizational set-up.

No organizational set-up can be successful without financial backing. Muslims are urged in the Qur'an and by the Prophet (peace be upon him) to "spend in the Way of Allah". Allah in the Holy Qur'an commands the Muslims to "strive with their properties and their selves". Striving in the Way of Allah as exemplified by the *Sirah* of the Prophet (peace be upon him) implies giving one's money, time, energy, and, when necessary, even life for the furtherance and defence of Islam and for the protection and advancement of Muslims. For a 'Muslim Minority' this implies that it is the duty of Muslims to contribute financially and with their time, knowledge and experience to the functioning of their organization, the establishment of their mosques, the building of their schools, and, in extreme conditions, the support of their *mujahids*. Such financial contributions are over and above the *zakat*, and are limited by the needs of the community. These are indispensable since without it the 'Muslim Minority' would be in jeopardy, and the survival of Islam in that part of the world would be endangered.

However, most of the individuals who are 'Muslims' as defined above are unaware of this duty or are unwilling to know about such matters of the weakness of their 'Islamic Identity'. It becomes, therefore, the duty of those who are the leaders of the community to create this awareness in their members. To do this, the 'Organization' should have some financial means to start with. In this respect, the help of Muslims of 'dar-ul-Islam' becomes a necessity, but such a help should be so geared as to

make the community independent of any help in the nearest future possible.

The best help would be one that is based on co-operation. In such a case, the Muslim countries should accord preferential treatment to Muslims in their dealings with non-Muslim countries so as to offset the effects of 'differential treatment' to which these Muslims are usually subjected in such countries. This preferential treatment should be in the fields of employment, business, exchanges, etc.

To be financially sound, the 'Organization' should make sure to protect itself against the danger of corruption, of misuse of Muslim funds. To do this, it is necessary that those elected as office bearers at all levels of the organizational set-up should be completely prohibited from receiving payments for their services to the community. The hired staff in the 'Organization', however, should be remunerated, but its function should be solely of an executive character and will consist of carrying out the directives of the elected office-bearers. In this way, the competition for 'office' would be based on the desire and the ability to serve the community and not the attraction to financial gains.

A healthy 'Muslim minority' should be able to receive enough contributions from its members to establish all its mosques and schools, to pay the salaries of its teachers and *imams*, etc. The 'minority' should be in a position to provide Islamic education for all its children and remind the grown-ups of their Islamic duty.

The most serious problem that can face a minority is social absorption by the majority. Such an absorption is usually the result of a long assimilation process that nibbles at the Islamic characteristics of the minority until it disappears altogether, usually after two or three generations. The process of assimilation is particularly effective and fast when the Muslim community is badly organized, has no special schools for its

children and does not have an adequate number of mosques (as community and religious centres) for its adults.

The cases of wilful conversion to other religions are usually rare. However, as the community starts to absorb un-Islamic traits that influence its sense of Islamic identity, mixed marriages with non-Muslims conspicuously increase and instead of being a means of the growth of the Muslim community as a result of outsiders embracing Islam, they become a strong means of social and cultural assimilation. The most ominous sign of social absorption is the dropping of Muslim first names usually common among the offspring of such mixed marriages. Many of these become only remotely linked to Islam or even neutral as far as their religious affiliation is concerned. However, if they marry again in the religion of the majority, the chances are that their offspring would follow the religion of the majority. Therefore, the process of assimilation takes usually the span of three generations.

The process of assimilation becomes general when the Muslim minority is deprived of its elite. Most often, the elite deserts the minority by emigration to *dar-ul-Islam*. This emigration is often induced by special and constant persecution by the majority, as it is clear that a leaderless community is much easier to assimilate. Sometimes, the elite deserts Islam altogether by following the policy and the way of the majority, thus eroding any confidence that the Muslims might have in them. When either of these occurs, the community becomes unable to face the changed circumstances in such a way as to retain the former hegemony of Islam in their lives. This in turn leads to a continuous erosion of its organization with the result that the Muslim community becomes more and more confined to people who lack influence and social status. Such a community would disappear in the course of time, if not helped effectively by *dar-ul-Islam*.

Islamically, it will not harm the Muslim community to absorb

the characteristics that are not contrary to Islamic principles. Some of these characteristics are: the learning of the language of the majority (which will not be harmful if the Muslims are able to keep on learning Arabic, the language of the Qur'an); the wearing of its dress, if it does not violate the decency of dress advocated by Islam; and the absorption of minor social habits that are Islamically unobjectionable. However, members of a Muslim community should refrain and teach each other to refrain from absorbing non-Islamic characteristics. These are the dropping of Islamic names, the adoption of promiscuous habits; the absorption of alcoholic beverages, and above everything else the belief that all religions are the same in the eye of the Creator. On the contrary, Muslims should continue to believe that Islam is the only true religion and that all other religions, as stated in the Holy Qur'an, will be rejected by the Creator. Believing that all religions are the same is the first sign of religious assimilation.

It is the 'Organization' of the Muslim minority that can help it resist the different assimilative trends. In order to be able to do so, the community should have, geographically speaking, some area of concentration. For the Muslim schools and mosques to be efficient, they should be able to serve the largest number of Muslims within the shortest possible distance. Moreover, social interaction between Muslims should be kept at a maximum all the time, not only in the mosque, but also by exchange of visits by families, mutual cooperation in professional work, in community affairs, at play, etc. This could only be possible when specific areas within the overall country have higher Islamic concentrations where Muslims can feel at home.

However, Islamically, a Muslim community cannot be enclosed in a ghetto-like mentality. It should be capable of interacting with members of the non-Muslim community so as to fulfil its duty of *da'wah*. Therefore, the two requirements of (1), maximum desirable interaction between members of the

Muslim community and (2), reasonable interaction between Muslims and members of the non-Muslim communities should lead to the development of areas of high — but not exclusive — Muslim concentration.

A Muslim community should try to move from a position of mere defensive concerns, and try to spread the message of Islam outside the community. If successful, such a community would grow constantly in influence and numbers as to become a majority community in course of time. To become a 'successful community' should be the aim of every 'Muslim minority'. This is an ideological necessity without which the entire presence of the minority would be Islamically unacceptable.

One of the most serious problems facing a 'Muslim minority' is the nibbling by the majority at its political rights and individual persecution of its members. In the first case, such a situation may take the form of the non-recognition of an 'Islamic entity' on one ground or the other. This leads automatically to the application of laws specially made for the non-Muslim majority to Muslim individuals. This lends strength to the process of assimilation initiated by the majority which would tend to destroy the Islamic presence. Sweden can serve as an example. The Official Church of Sweden is the Lutheran Church; this means that the Government supports financially such a Church by taxing one per cent of the income of the population and supports its spread by introducing its teachings in the school curricula. To protect religious minorities the state recognizes some religious bodies such as 'Roman Catholicism' and 'Judaism'. Such recognition means that these religious groups receive collectively their share of the religious revenue and their children receive the teachings of their own religion. Until recently the Muslim religion (20,000 people strong) was not recognized, meaning that while the Muslims had to pay taxes to the official Church their children were exposed in public school to the proselytism of other religious

bodies. In the most extreme cases, the majority denies the right of citizenship to the members of the Muslim minority and even proceeds to obliterate them as it is happening these days in Burma.

In the second case, the nibbling at the political rights of the Muslim individuals has the effect of putting tremendous pressure on the most active members of the community. They would sometimes react in one of the three following ways which are all harmful to the overall future of the community: (1) they will emigrate; or (2) they will water down their Islamic identity, eventually isolating themselves from the Muslim community; or (3) they will join extremist groups of all walks of life expressing their complete frustration with the majority as well as with their own community.

Once the community is well organized, its leaders should strive to seek the recognition of Muslims as a religious community having its own characteristics by the authorities. Once recognized the community should continue to request the same rights the other religious communities enjoy in the country. Eventually, the community may seek to gain political rights as a constituent community of the nation. Once these rights are obtained then the community should seek to generalize its characteristics to the entire nation.

Many communities have succeeded in reaching several levels of these stages. For instance, the Muslim community in Finland is recognized as a 'Religious Community'. In Yugoslavia, it is recognized as a 'Nationality'. The Muslims of Fiji, Trinidad and Guyana were capable of making Muslim holidays such as 'Id Al-Adha and 'Id Al-Mawlid national holidays.

Muslim individuals who are politically ambitious should seek the votes of the Muslims so they can be truly their representatives. The Muslim community should realize this and establish accordingly the mechanics for political Islamic representation. Otherwise, Muslim politicians would be put in office by non-

Muslim forces and would consequently be used to subjugate the Muslim community.

Conclusion

In general, the future of a Muslim minority depends on two important factors. First of all, it depends on the quality of the founding fathers of that community in terms of their attachment to Islam, their enthusiasm and capacity to propagate it, their social influence, etc. In the second place, it depends on the conditions under which they have to live. It is perhaps not enough for the Muslims constituting a minority to be just 'good' Muslims, in the narrow sense of the term, to ensure the survival of the community. If these Muslims do not have the means and the desire to propagate their religion to the forthcoming generations the community is likely to stagnate, then dissipate and ultimately disappear altogether.

Maintenance of ties with the main body of Islam (*dār-al-Islām*) is a very potent factor to counteract these developments. Historically speaking the *Hajj* plays a major role in the maintenance of these ties and nourishing among the Muslims all over the world a sense of mutual belonging, apart from strengthening and activating their faith in Islam. In addition to that, education of the Muslim children, both religious and cultural (i.e. Arabic, Muslim history, geography of Muslim lands, etc.) should be the first priority of the Muslim community.

Practically, one can see that the odds against the survival of a minority are numerous. Many communities fail in their struggle to survive and only few do become 'successful' minorities. The chances of survival for a minority would be greatly enhanced, if Muslims in majority countries behave as true members of the Muslim *ummah* by keeping the Muslim solidarity. Muslim countries should make their relationship with the non-Muslims of the world a function of the way these countries treat their

Muslim minorities. Muslim countries should also consider it a matter of first priority to support morally, culturally, politically and otherwise Muslim minorities who are in need of help. Last of all Islamic solidarity is a necessity for Islamic survival in general. Without it the future of Islam as a whole is endangered. In sum, if Muslim minorities are allowed to disappear, Muslim majorities would sooner or later follow suit. The matter of supporting Muslim minorities is not a matter of opinion; it is a matter of Islamic duty and a matter of necessity for survival.

Further Reading

1. M. Ali Kettani, 'Muslims in Europe & America' *Dar-Idriss*, Beirut, Lebanon (Printed in Stuttgart, West Germany) 2 volumes, in Arabic.
2. Constitution of the Australian Federation of Islamic Councils.
3. Constitutions of the Islamic Councils of New South Wales, West Australia, New England, Northern California, etc.

Muslim Personal Law

Ebrahim Sulaiman Sait

Introduction

Muslim personal law is a term given to a part of 'Shariah' which is based on the injunctions of the Holy Qur'an and therefore is a part of our last and final ideology of life Islam. On the adherence of Muslim personal Law depends our very existence as Muslims. I need not emphasize here that our cultural identity is based on our 'Deen' and 'Shariah'. Allah, the Almighty, has very clearly declared this in the Holy Qur'an:-

These are the limits ordained by God, so don't transgress them. If any do transgress the limits ordained by God, such persons wrong themselves as well as others. (Al-Baqra — 229)

None can change His words for he is the one heareth and knoweth all. The word of thy Lord doth find its fulfilment in truth and in justice. (al-An'am — 115)

Follow the revelation given unto you from your Lord, and follow not as friend or protector other than Him. (Al-Araf — 3)

And if any fail to judge by what God has revealed, they are the wrongdoers. (Al-Maida — 48).

These declarations of Almighty Allah go to establish beyond doubt that complete subjugation to His will and complete adherence to the code of conduct prescribed by Him is a must in case we desire to live as Muslims. Anybody who does not have deep convictions in this code of conduct and unflinching faith in the ideology of life i.e. Islam, and considers Muslim Personal Law as outdated or argues for any change in the same, cannot be considered a Muslim in the true sense of the word. It should be clearly understood that because there is an unequivocal law in the Qur'an or Hadith concerning the family life or personal affairs, a Muslim cannot raise the question of reform without challenging Allah's sovereignty and without relinquishing faith in the Day of Judgement. A Muslim can, however, legitimately raise those issues for reflection and consideration, about which there is no clear guidance in the Qur'an and the Hadith. But such consideration should be by those learned Islamic scholars — the ulema — who have drunk deep in the divine fountain of Qur'an and Hadith and should be in the light of the guidance contained in the fundamental Qur'anic laws and conformity with the spirit of Islamic laws in general.

Ever since the declaration of India as a secular state, the main concern of the Muslims of India, who are a religious minority, has been the preservation of their identity as a Muslim community. It is against this background that their efforts to guard their religion, culture, language, educational, social and religious institutions have to be viewed and appreciated. The most vital part of this protracted heroic struggle concerns the problem of the preservation intact of their Islamic Family Law, better known as Muslim Personal Law.

The family is the nucleus of the social structure of Islam. It is the corner-stone of the social edifice erected by Islam. It is the last line of defence against exotic influences and undermining forces which are working to destroy the Islamic way of life. No wonder Islam pays extraordinary attention to this institution, in

the shape of providing detailed and often meticulous pieces of legislation in the Qur'an as well as in the Sunnah. It is more than evident that the very existence of Muslim communities anywhere could be exposed to incalculable hazards if the protective hedge of the Family Law, as provided by the Qur'an and the Sunnah, is allowed to be removed even partly or made ineffective in one way or the other.

Unfortunately, with the onslaught of the West on Muslim lands and the resultant emergence of values — moral as well as legal which conflict with those of Islam, the entire legal structure of Islam has been confronted and threatened by tendencies of movements becoming manifest in every part of Muslim society. The situation is all the more apprehensive, in fact, critical, in countries like India, where the Muslims form a religious minority and have to operate in a secular state with a non-Muslim majority, and where the Muslim personal Law has long since been the object of most adverse and callous criticism and, at times, of ill-informed ridicule and contempt.

Background

It is laid down in the Directive principles of State policy in the Indian Constitution that efforts shall be made for implementation of a uniform Civil Code. Article 44 in part IV of the Directive Principles says: "The State shall endeavour to secure for citizens a uniform Civil Code throughout the territory of India." It was a totally untenable presumption that a uniform Civil Code will hasten and ensure national integration. It was also wrongly believed that, with the passage of time, the secular aspect and nature of laws would prevail, and the laws based on religion would go on loosening their grip over the masses and their orbit would go on shrinking with the result that a uniform Civil Code would become a reality. It has to be mentioned here that it was Moulana Hasrat Mohani and Mr. Mohammed Ismail, President, Indian Union Muslim League, who has

opposed this move in the Constituent Assembly when the framers of the constitution desired to incorporate in it an Article on uniform Civil Code.

At the time of Independence India and Pakistan inherited a legal system from the British (which was itself based upon one of Muslim rule — non interference with the personal religious laws) which ensured non-interference in the personal Laws of Hindus and Muslims. So far as the Muslims are concerned an Act had been passed by the Parliament in 1937 entitled Application of Shariat Act, generally known as Muslim Personal Law Act, which laid down that in matters of marriage and divorce and related matters, inheritance and *wakfs*, Islamic Law would be applied by the courts of India. Besides, the Constitution expressly safeguarded the observance of religion by the citizens of India though there has been a difference of opinion regarding what falls within the purview of religion.

The Hindu Law which was applied by the Courts of British India was based on the Hindu Shastras. With the dawn of independence, the parliament of India realised that in most of the places this Law did not answer to the growing needs of a modern Hindu society and had many shortcomings from the point of view of justice and equality. A Hindu Code Bill was, therefore, introduced in the parliament and it was passed in 1956 in the face of stiff opposition from the Hindu clergy. The result has been that the Hindu Law has undergone a fundamental departure from its original position, except for retaining a few of its basic institutions. The passage of the Hindu Code Bill is one of the most important milestones in the legal history of India, in as much as it recognises in practice the supremacy of the parliament and competence thereof, to change laws based on religion and paved the way for similar deliberations. It has to be noted that Mr. Pateskar, Law Minister of India, while presenting the Hindu Code Bill, said that this Bill will be the pattern of personal Laws for all citizens

in the near future. Again in 1972 when the Children Adoption Bill was presented to parliament, the then Law Minister Mr. H. R. Gokhale said that this Bill was a positive step towards the formulation of a common Civil code. Justice Gajendra Gadkar, Chairman of Law Commission, speaking at Bangalore in 1973, said that Muslims should get ready for adoption of common civil code and in case they don't do so willingly, this will have to be forced on them.

Demand for changes in Muslim Personal Law:

It was against this background that demands were made inside the parliament and State Legislatures and outside, in press and public for 'reforms' or changes in the personal law of Islam, and it became one of the most debated questions. In fact, various enactments in the nature of parallel legislation had already been effected which indirectly nibbled at the personal Law of Muslims, like Special Marriage Act (1954), but now voices were raised for basic changes in Islamic Laws by pseudo-reformists within the community also to formulate a Uniform Civil Code for all the citizens of India, irrespective of their religious affiliations.

In 1965 a special effort to achieve this objective was made at the time of the meeting of International Congress of Orientalists held in New Delhi. A symposium on 'Changes in Muslim Personal Law' was arranged under the auspices of the International Congress of Orientalists which met under the chairmanship of Mr. Chagla, ex-Education Minister at the Centre. There was every possibility then that the deliberations of the symposium would be employed for supporting the demand for changes. Fortunately, the results belied the hopes, mainly because of very strong speeches delivered by some of the representatives of the Muslim countries and vehement opposition from Indian Muslims themselves.

Recently, a bill, namely, Adoption of Children Bill, which

was in cold storage since long, has been suddenly revived. This Bill was introduced in the Rajya Sabha, the Upper House of the Parliament, in 1972 and was referred to a Joint Select Committee of both the Houses. The Committee recorded evidences and with the exception of one or two, the overwhelming number of Muslim scholars, jurists, public men, institutions and others said that the measure was an interference with the *Shariah*, in as much as the institution of adoption is alien to Islam. They therefore pleaded that the Muslims should be exempted from the purview of the measure. The report, after being presented to the Rajya Sabha, was not taken up for discussion and the Bill was thus lying in cold storage. All of a sudden on 18th July, 1978 the Government moved in the Rajya Sabha that the Bill be taken for consideration. However, as a result of strong feelings against the Bill expressed specially by the Muslim members, the Government withdrew the Bill while it was half way through.

It might be added that it was the year 1965 that marked the beginning of systematic and relentless onslaught on Muslim Personal Law in India. Persistent demands were made in the Parliament and the State Legislatures for changes in Muslim Personal Law, alleging that it was outdated and did not fit in the secular modern legal structure of India. The English press of India lent its full support in the matter and various aspects and issues of Muslim Personal Law were ridiculed and criticized. It is of significance to note that these demands for changes in Muslim Personal Law were always accompanied with the remarks that several Muslim countries had made some drastic changes in the Personal Law structure of the Muslims and that there was absolutely nothing rational in insisting upon maintaining the *status quo* in India.

Recently, a Committee appointed by the Indian Parliament on the question of the status of women, headed by Mrs. Phool Renu Guha, has come out with a voluminous report,

recommending sweeping changes in the Muslim Personal Law which, if implemented, would, in effect, amount to a complete abolition of Personal Law of Islam in India.

No doubt, the Government has time and again made pronouncements to the effect that it is in no case going to effect any changes in Muslim Personal Law, unless and until desired by the Muslims themselves. But obviously in a democratic set up, a Government can change any moment. More important, there is the constitutional provision of a uniform Civil Code in the Directive Principles of the State policy which, though not justiceable, may be sought to be implemented at any time. Therefore, complacency under these circumstances is unwarranted. The conditional assurances given by the Government, saying that there will be no interference unless the Muslims themselves so desire, cannot be relied upon. As experience has shown it is not difficult for the Government to find black sheep in any community. Moreover, back-door methods were also utilised for interference in Muslim Personal Law, when the Criminal Procedure Code was sought to be amended in 1972. Amendment to this Code provided that a divorced woman is entitled to maintenance for her life time or until she remarries. This provision ran counter to Muslim Personal Law, with regard to maintenance of a divorced woman. The representatives of the Indian Union Muslim League, the Parliament, and the Members of Muslim Personal Law Board, played a crucial role at this juncture and exerted great pressure to get this provision amended.

Thus it is clear that the Muslims of India who have, ever since the independence, been harbouring a feeling of insecurity as regards the maintenance of their separate identity as a Muslim community, feel much disturbed upon this development. The abolition of the personal Law of Islam, and enactment of a uniform Civil Code would mean liquidation of their Islamic identity. As a result of a growing concern about the problem,

the Darul Uloom of Deoband summoned a meeting consisting of some ulemas, muftes, lawyers and leaders. The main purpose of the meeting was to examine and bring out the precise nature of the demands and to arrive at a full appreciation of the whole situation obtaining with reference to Muslim Personal Law. This meeting issued a detailed statement regarding the stability and flexibility of Islamic laws and made it quite clear that no Government had the prerogative to effect changes in Muslim laws.

As a result of the gigantic efforts of the Preparation Committee appointed at Deoband, a truly representative convention took place in Bombay in December, 1972. It was really a historic occasion unprecedented in the modern history of Indian Muslims. There was literally no section of the Muslim community of India which remained unrepresented on this occasion. This massive gathering of the Muslims of India unanimously adopted a resolution to form an All-India Muslim Personal Law Board, and declared that no Government was entitled to make any changes in the Muslim Personal Law. The convention also declared categorically that the Muslims will never tolerate any interference in their Personal Law.

Two major problems have been worrying the Board since its very inception. Firstly, the Board wants to stop any further intrusion in the Muslim Personal Law, in any shape whatsoever and, secondly, it wants to have a detailed survey of the whole corpus juris — named as Muslim Personal Law — for a better appreciation and deep understanding of the whole problem, and to enable itself to adopt a comprehensive policy towards the foreign elements which have somehow or the other been incorporated in the Muslim Personal Law.

The Board, for realising the first objective, has appointed a Central Committee for scrutiny of future legislative bills. This Committee, in its turn, has appointed a sub-committee for scrutinizing the bills which are tabled in the parliament from

time to time as well as Regional State Committees for the scrutiny of bills which may be introduced in State Legislatures.

It has to be understood that the Muslim Personal Law as applied by the Courts of India consists of three component parts:-

- (a) Provisions of *Fiqh*,
- (b) Legislative Acts of the Parliament and State Legislatures.
- (c) Judge-made Law or the Case Law which serves as legal precedents.

The two last mentioned components do not obviously have the same sanctity or authority for the Muslims as the first has, which is the result of the application of the rules and regulations contained in the Qur'an and the Sunnah or deductions based upon the principles enunciated therein.

Besides, the legislative acts which directly or indirectly bear upon the issue of Muslim Personal Law, encroach on various places upon the provisions of the *Fiqh* proper.

Moreover, the judge-made laws show a tendency on the part of the Courts of Law to interpret the provisions of *Fiqh* according to the British concepts of justice and equity.

It was also felt that after independence there has been a tilt towards Hindu concepts or modernistic tendencies in some cases decided by the Judiciary. It was for this reason that the Board unanimously resolved that a detailed critical study and scrutiny of the whole bulk of what is known as Muslim Personal Law be taken up and those provisions be precisely and specifically pointed out which run counter to the letter or spirit of the Islamic Law.

The main purposes of this project are:

1. To have a full view picture of the Muslim Personal Law as applied by the courts of India from the standpoint of *Shariah*, and to report to the Board these provisions which are not in full consonance with *Shariah* and the nature and

extent of their divergence, together with the suggested alternatives according to Islamic laws. This would enable the Board to carve a policy and procedure about how to get the discrepancies found in the existing laws removed and bring them in consonance with the *Shariah*.

2. To enable the Board to produce an authentic and authoritative text book of Muslim Law under the guidance and supervision of the representatives of the Muslim community, thus providing the students and teachers of Law, the Bar and the Judiciary with an authentic interpretation of the Islamic laws which is also backed by the general recognition of the community.
3. To justify the legal-moral Islamic values working under the superstructure of Islamic laws by making a comparative study of the Islamic laws and modern jurisprudence.

The experience of the Indian Muslims in preserving their identity through the preservation of the Personal Law is significant for Muslims all over the world. The decision taken by the board concerns not only the preservation of the Islamic identity of the Muslims of India, who are a religious minority, but has also tremendous importance and meaningfulness for the Muslim minorities all over the world. These Muslim communities will, sooner or later, find themselves confronted with the same problem — some of them may be facing it right now — of how to preserve their Personal Law and how to get their right of being governed by the Family Law of Islam recognised and implemented. It is thus a matter of total annihilation or honourable existence, not only for the Muslim minority of India, but also for the Muslim minorities of the world.

I may mention here with much regret that it is really a tragedy that while we Muslims in India and Muslim minorities in some other Asian countries are actively engaged in resisting inroads

into the *Shariah* law, we are confronted with the so-called progressive laws enacted by some of the Muslim countries which are at variance with Muslim Personal Law. This makes the position of Muslims in India and other Asian countries very very embarrassing.

I would emphasise once again that Muslim Personal Law is an integral part of Islam. We are duty bound to preserve the same, so as to mould our lives according to the dictates of the Almighty, who has categorically declared in the Holy Qur'an:

Ye who believe — Enter into Islam wholeheartedly and follow not the footsteps of the evil one for his is to you an open enemy. (Al-Baqra, 208)

O Ye who believe obey God, and obey the apostle and these charged with authority among you. If ye differ in anything among yourselves, refer it to God and His apostle if ye do believe in God and the last day, that is the best and most suitable for final determination.

Vindication of Muslim Personal Law

Dealing with this vital subject of Muslim Personal Law, one has to take into consideration various other aspects of the subject also. We have to understand the nature and status of the Family Law of Islam and its role in the governance of the communal rights of the Muslims. We have also to refute the stock objections continuously raised by the so-called progressive dogmatists.

I maintain that Muslims, in addition to the psychological sensitiveness for one's own culture have a sociological claim that their Personal Law, far from being obsolete is most appropriate for today's troubled social order which threatens to spell utter chaos in the family, the first and foremost unit of society. This chaos is very much evident from the rate of divorce, the number of broken homes, the incidence of rape and abortion,

legislations recognising homosexuality and concubines, etc. in the Western societies. According to the latest available official statistics of 1973, presented by the Registrar General of the United Kingdom in 1972, as many as 1,267,737 abortions were carried out, out of which 2,269 were on girls below 16, and one in 5 abortions were on girls under 20. It is, therefore, important that we shall vindicate the sociological superiority and practical suitability to modern society of Muslim Law to well meaning fellow citizens instead of engaging ourselves in polemics with those who are not tired of repeating the already refuted objections against it.

Law imposes restriction on the unlimited freedom of individuals of a society to enable each member to enjoy maximum freedom consistent with the legitimate rights of others and the welfare of the society as a whole. It generally succeeds in evoking obedience and achieving its goals if the members sincerely believe in its justness and voluntarily accept its impositions. Laws contrary to prevalent basic values or opposed to deep-rooted prejudices hardly elicit conformity. (Results of the legislations to eradicate untouchability, child marriage, etc., are too well known to need comment). It is necessary to concentrate more on ethical training to win men's co-operation in making an ideal society than to impose laws from without.

This is exactly what Islam did. The cornerstone of the Islamic social theory is *equality* of all men. As members of the species of man, both men and women are equal in importance and in having social rights. Both men and women deserve equal respect, have the right to own property, conduct business, acquire education and skills, move courts of law to redress their grievances, etc. Even these minimum rights were never enjoyed by women before Islam, because they were supposed to be either soulless or polluted or inferior.

But Islam, a natural *Deen*, would not stretch a value beyond its legitimate sphere. Its second important principle is that of

equity. It recognises the functional inequalities between different men and between men and women and treats them equitably, i.e. gives each his due, in order to help the most harmonious, just and prosperous social order to emerge. It is fashionable to attack this subtle but natural distinction of Islam while all the time acting upon it — which is a proof of its being natural. An executive and his peon or an employer and his employees, or an earner and his dependent, are all equal as men according to the first principle but by virtue of their ability, function and status deserve differential treatment. And we all treat them differently in respect of rights consequent upon their functional status, and never think our conduct to be unjust. Indeed to treat them equally would be a case of rank injustice, which everyone, I hope, grants.

David Hume called reason a handmaid of passion. For a Muslim it is the handmaid of his faith which prescribes to reason the framework in which it may have its free ramifications and not filter away itself in pursuits expressly prohibited. The rationalist may regard this as an affront. But I submit, without belittling its role in human society, that reason pure and simple cannot tell why sex relations with one's wife is approved but not with one's mother or another's wife, why marriage with certain blood relations is prohibited, or what is the just punishment to a murderer or to one who succeeds in committing suicide etc. If it is conceded that we may have been placing too much reliance on reason, it may be easy to realise that instead of pressing reason into our service we have allowed it to become our master, which takes us hither and thither like an erratic, whimsical sovereign.

The Qur'an invites man to reflect on the revelations contained in it to know the best way of living individually and socially and equipped with the divine guidance to reflect on things around.

With this background, we may now proceed to note the third insight that Islam gives. It lays great emphasis on the basic

social unit, the family, which regulates sexual behaviour of the species, provides for perpetuation of the race, acts as the nursery of socialisation and thus ultimately contributes to the complexion of the society as a whole. In this regard, we are told that a healthy society must make marriage easy and adultery difficult. Individuals demand the right to satisfy their sex instinct. Islam regards the demand to be natural and just and grants it but at the same time safeguarding the interests of others. It rules out sex gratification. Adultery implies disrespect to the woman, serious consequences for the wife and the offspring, habit to be secretive and planned disregard for one's wife's rights, waste of one's mental, physical and material resources and harm to society in many ways. Islam does not look upon sex as a taboo. On the contrary, it recognises it to be a great force across which a dam cannot be constructed. It allows natural expression of sex but does not allow this expression to harm society. It therefore enjoins upon a man that he shoulder responsibilities that devolve upon him by virtue of taking a partner. Today we are in a predicament. Adultery is easy and marriage difficult. In a permissive society the need to recognise polygamy, with all its restrictions, is all the more urgent. It is sheer dishonesty that the rationalist, in the name of woman's lib, makes for co-mingling of sexes and, when the time for shouldering responsibility comes, he points to his own legislation banning bigamy. Polygamy, besides being a sanction in favour of the sexually more virulent male, is also an instrument of accommodating the widows, helping victims of war, riots, droughts etc. and reinstating the deserted spinsters, if it is looked upon as a social institution embodying certain social values. Unfortunately, the champions of women find it expedient to brand polygamy stigma while legalising abortion.

For Islam, marriage unites two partners to build a lasting relationship in order to promote individual happiness and social welfare. When, for any reason, the bond of love no longer

exists, the purposes of the family are at stake, and the happiness of the individuals is threatened. Islam allows both the partners the right to seek separation. Islam does not believe in a forced union since family is not an end but a means to a higher end.

Before we consider the misgivings some people have about the mode of divorce in Islam, I may invite your reflection to one point. I stressed earlier that it is not mere legislation from without, but a legislation following an ethical preparation, which promises to bear the desired fruits. Now recall that for 1,400 years Muslims have had the two institutions of polygamy and divorce. Has there been in any age an alarming recourse to these institutions by the Muslims? Muslims have always looked upon these institutions as Allah's merciful sanction to meet certain exigencies of life. Even today, the number of polygamous Muslims in India is negligible and since widow remarriage has never been a taboo among them a number of widows have been rehabilitated by recourse to polygamy. Looking to the incidence of divorce, one can say that the incidence of divorce among the Muslims of India barely exists.

Inasmuch as polygamy and divorce serve important socio-ethical purposes, one can say that a society without these sanctions is bound to degenerate and become chaotic. We cannot take away the two freedoms because some people misuse them. After all, every law is exploited and courts of law are there to redress grievances. If the victims are not able to achieve redressal, it is because committing crimes has become easier than receiving justice. What needs reform is the costly and time-consuming procedures and red-tapism and intricacies of our courts and not abrogation of those very laws which make harmonious society possible.

The argument that because some Muslim countries have effected changes in certain provisions of Islamic Law, Muslims of India should have no objection to reforms, is also in bad taste. Turkey, Egypt, etc. used dictatorial coercion disregarding

public protests in implementing their rulers' whims. But these are Muslim majority countries. A swing to the original is always possible there. In fact, the process of Islamisation has already begun, in Egypt and Turkey. To the Muslims of India, guarantee of such a return is not available. Besides, these countries have not interfered with the laws of their minorities. It should also be noted that the number of Muslim countries which have tampered with the laws of *Shariah* is very small and some countries have used the principle of *Talfeeq* (benefiting from all the schools of Islamic Jurisprudence) and have not offended the spirit of Qur'an.

Finally, I would earnestly appeal to all my Muslim brethren that they should find time for reading and understanding the Holy Qur'an. It is the greatest treasure, with which we have been blessed — it is the solution of all our ills; and it is the fountain head of our Personal Law.

I end by referring to the directions of Almighty Allah. Let me conclude by quoting the opening verses of Surah 'Al-Baqra', which say: "*This is the book, it is guidance without doubt, to those who fear God, who believe in the unseen one, steadfast in prayers and spend out of what we have provided for them and who believe in revelation sent to them and sent before the time and have assurance of the hereafter*".

Dr. Iqbal, the great poet of Islam, has rightly said: What use if the tongue just utters the words, "*La ilaha il-lallah*" unless and until one possessed the mind, outlook and the heart of a Musalman. May Allah, the Almighty, bless us with this Muslim mind, Muslim outlook and Muslim heart, and guide us right. 'Ameen'.

Educational Needs of Muslim Minorities: Nature and Extent of the Problem

H. H. Bilgrami

The subject of Muslim minorities is important as it concerns the far-flung, scattered *ummah* as minorities in a large number of countries. Hence, any system of education that does not take into account the different needs and requirements of the entire Muslim population, inhabiting different parts of the world, is likely to defeat its purpose inasmuch as it will fail to prove the universality of Islam.

A study of the basic survey made by some of my brother scholars in the first World Conference of Muslims held at Mecca provides very useful data and some background material for further study of the educational requirements of the Muslim minorities.

Dr. Asad Hasan, in his paper "Education of Muslim Minorities", presents different facets of the problem. He says: "According to various estimates, the population of the Muslims in the world is now close to a billion. Out of this large number, almost over three hundred million Muslims are living as minorities spread over more than one hundred small and a few large countries". Dr. Hasan has quite appropriately divided the Muslim minorities in four sectors:

1. Muslim Minorities in Asia.
2. Muslim Minorities in Africa.

3. Muslim Minorities in Europe and America.
4. Muslim Minorities in Communist Countries.

These are, of course, natural and ideological divisions from the ethnological standpoint. I would, however, submit that as far as the Muslim minorities are concerned, in many parts of the West and for that matter in the East too, they are not so much a product of any religio-missionary movement (*tableegh-i-deen*) as the outcome of economic and social currents and cross currents. We will, therefore, have to clearly determine our goal and the nature of the respective problems in various areas, before finding out their educational requirements.

Muslims, for centuries together, have never had any doubt about their goal in the field of education because it has been obvious to them. It is equally true that they gave no consideration to the question of majority and minority areas so far as education and its requirements were concerned. They had accepted Islam as their code of life; and hence looked for the solution of their problems only in the light of their faith and traditions. It is therefore necessary that, while dealing with the subject, a few points pertaining to Muslim education on the whole are borne in mind.

I have dealt at length with Muslim education in my work entitled *The Islamic System of Education*. Here it would suffice to solicit the attention of the reader to a few main points. The importance of this digression cannot be overemphasised, because wherever we live we will have to keep in mind our goals and objectives and to find out ways and means to achieve the same. It is worth emphasising here that Islam makes education obligatory on all Muslims, men and women, right from the cradle to the grave. As such it is concerned not merely with opening schools and various institutions, or with providing facilities at primary or secondary stages, but it visualises an education for all, including the adults, regardless of age, at all

stages of life. Its aim is the development of a healthy personality, assuring security through knowledge. In Islam, education is a progressive phenomenon and its requirements vary from place to place, from age to age, and from time to time.

Islam does not take into account only that knowledge which is achieved through perception, but also, and in a more serious manner, that knowledge which comes from intuition.

In Islam, 'Al-Ilm' is not only a means to an end but the end in itself too; for 'Al-Ilm' is one of the primary attributes of God, which a Muslim is required to achieve to the best of his ability in order to come closer to his Creator.

At the same time, Islam gives little importance to any knowledge that does not aim at the enlightenment of the self and serving humanity. It not only says "*iqra*" (*read*) but also gives the direction "*b-ism-i-rab-bik*" (in the name of thy *rab* — God the sustainer), meaning thereby that all education must be intended to kindle in man that spark of God's light which gives meaning to life. Muslims have not only been honoured with the last and eternal message from God in the form of the Holy Qur'an but have also been given the divine light in the personality of the Holy Prophet to show the path of truth and righteousness, knowledge and security to all the other Muslims at all times.

It is in the light of this broad concept of Islamic education that we have to analyse the requirements of each area in which Muslims are in a minority. For this we have to seek guidance from the fountain-head of knowledge — the Holy Qur'an and the exemplary life and personality of the Holy Prophet.

In the days when the Holy Prophet lived in Mecca — the place infested with idols and idolators, the faithful faced hardships and misery as the first Muslim minority of the area. But it is this very first Muslim minority to which goes the credit of working for, and establishing the glory and splendour of Islam.

In Mecca, the education of the Muslims meant training the individual, to build character and personality on the principles of *Tauheed-o-Risaalat* (Oneness of God and Prophethood of Muhammad s.a.w.) and *Aakhirat* (Life after Death). It also meant to bring home to the faithful that breaking away from environment is the very negation of life. Its charm lies in conquering the environment and living in all circumstances according to the principles of truth and righteousness. The life at Mecca was basically a training to strengthen the faith; and it is the Faith that takes up the challenges of time and meets them with courage. It is by dint of this strength that a Momin faces all hardships and takes all possible precautions but never kneels before insolence or might; and at last truth prevails.

While the life at Mecca was primarily for the training of the self, at Madina the life of the Holy Prophet was the model for the training of both the self and the society. It started with an organised education and training programme, bringing about a sense of unparalleled discipline and forming a unique concept of government, as it were, in the very first Islamic state in the world. The life of the Holy Prophet at Mecca and Madina is representative of the Islamic pattern of disciplined organisation of the highest order. It also set an example of a dynamic development of the moral and spiritual values that can stand the test of all times and climes.

I have divided my paper into three main parts:

- (1) Muslim minorities in the under-developed areas where the spread of Islam is largely due to *Tabligh* (propagation of Islam by *Ulema* and saints).
- (2) Muslim minorities in the developed areas where they moved in large numbers because of economic and social pressures.
- (3) Muslim minorities in the areas where Islam is considered by the rulers a 'sinful institution'.

This group of areas where Muslims are in a minority includes Mozambique, South Africa, South West Africa, Botswana, Rhodesia, Zambia, Malawi, Angola, Mauritius, Lesotho, Swaziland, Ghana, Kenya and Uganda in Africa, and India, Burma, Nepal, Thailand, Kampuchea (formerly Cambodia), Republic of Korea, the Philippines, Singapore and Taiwan in Asia.

Muslim Minority areas in Africa

It may look surprising, but it is a fact that 60 per cent of the African population is Muslim; and of all the continents of the world, Africa is the only one to be so fortunate.

Islam is no stranger to Africa. In fact, the first group of *Sahaba* that emigrated from Mecca under the instructions of Holy Prophet Muhammad (s.a.w.) into *Abyssinia* left there a lasting impression which is even today manifest in the culture, particularly in the dress, of the people. In most of the countries in the north up to Central Africa, Islam spread through Arab traders, many of whom stayed on and carried on business in these countries. In the south, it spread through a host of Muslim missionaries and a large number of Muslim individuals who migrated to South Africa for economic reasons. For over five centuries, the colonial powers have been victimising the local population, of which the Muslims have been the worst sufferers. The colonial yoke has by now been removed from most of the African countries, particularly in North Africa, and they are now independent; but a new form of domination has taken its place in the shape of economic and political manoeuvrings and cultural innovations. It is an undeniable fact that every Muslim majority state is under the influence of one Big Power or another and is therefore not in a position to unilaterally see to the ordinary requirements of the neighbouring Muslim minorities, leave alone their educational needs. The result is that the entire burden is being borne by the Muslim

minorities themselves who are generally poverty-stricken except in two Muslim states. These are Ghana, where the Muslims are about 40 per cent, and the Ivory Coast, where the Christian Government is rather sympathetic to its large Muslim population. But here too Islamic education poses a big question, and the Muslims of these states are in no way better off than those in other parts. Islamic subjects are not taught in state schools and the little that is available is confined only to the mosque or the madrassah.

While the history of Africa provides many instances of glorious achievements in almost all fields of human endeavour, there is no denying the fact that in the field of religious education Muslim Africa presents a very gloomy picture. Nevertheless Muslims are generally aware of the importance of maintaining Islamic values and are propagating Islam in their own countries. All these areas have quite a large number of mosques where congregational prayers are held regularly.

In some countries of Africa, particularly in Southern Africa, a system known as the 'Madrassah System of Education' is in practice. Home classes which later developed into fully fledged madrassahs, generally attached to mosques, were started. A man or a woman having rudimentary knowledge of Arabic and recitation of the Holy Qur'an used to be appointed by the community to conduct the classes; and since these classes were not properly organised, it was not an uncommon sight to see a group of students, perhaps over a hundred, reading different Suras loudly. Needless to say it was totally impossible for the teacher to do full justice to the task. Despite the economic growth of the Muslim community in these areas, this problem was not taken into consideration. However, it is gratifying that during the last 10 to 20 years there has been a great awakening amongst the Musalmans, and they have been running their affairs with much care and unity of purpose.

These Muslim minority areas, although they have a common

goal of having an Islamic system of education cannot have any practical and workable unity of system because of their historical background. Sometimes these groups are so radically different from one another that their only common feature would be their faith. Thus when they say that they want to have an Islamic system of education they mean to ensure that the values of Islam are restored and retained by having unity in the method of teaching.

But it may not be possible to hit the target uniformly in all the different Muslim minority groups. Take, for instance, the case of South Africa. There are two Muslim minority groups in that region: (1) Muslims of Malayan origin and (2) Muslims of Indian and Pakistani origin.

The Muslims of Malayan stock have been living in South Africa for over three centuries. They constituted themselves in an integrated community after undergoing great hardships. First, under the Dutch rulers, then under the East India Company, and later under the Portuguese and British rules. Despite these adverse factors, it is significant that a school was organised (in 1962) by a great missionary teacher Abubakr Afandi, where a large number of African and European children were taught. Its progress was, however, considerably hampered by the Christian mission. All the same Islam flourished, albeit less effectively in the area. Islam is still active there and over these years the Malay Muslim community developed close relations with other indigenous races and with the tribes of South Africa.

The Indian Muslim community is the descendant of the labour class who migrated to South Africa towards the beginning of the 19th century. They were sent there by the British to cultivate sugar cane plantations on South Africa's east coast. A large number of them were Hindus and they returned to their homeland, but the majority stayed on.

They became South African citizens. Most of them opened

their own shops and stabilized their economic position. Most of the Muslims from amongst them are today either in industry or own large business enterprises, which they have extended across the borders into Mozambique, Botswana, Rhodesia, Zambia, Malawi etc.

These two groups present different problems. Being a minority — and a small one too — the Muslim community developed a predilection for gatherings and meetings. In this respect the mosque in these Muslim minority areas plays a most significant social and religious role. The need they feel for the retention of their identity is borne out by their gatherings. But the proper dissemination of Islamic education still remains their major problem.

One finds attached to almost every mosque a *madrasah*, where classes in reading the Holy Qur'an and for teaching the fundamentals of Islam are conducted. But this is still being done in the same age-old traditional manner; and similar classes are being conducted in homes or in disused garages which in many cases have been converted into classrooms. By no means is this system suitable for Islamic education particularly in non-Muslim countries where the need for such education is much greater than in Muslim countries.

The other problem faced by the Muslim community is that of environment. This factor militates heavily against the establishment of Islamic consciousness among the generality of the Muslim community. In this connection also, the mosque plays a pivotal role in securing for the Muslim community a distinct and separate identity; albeit this distinction is mostly a social and religious one.

In many cases there are no facilities available for higher Islamic education, with the result that when the boy or girl reaches the high school, college or university, his or her education in Islam comes to an end and he or she is left to imbibe

alien values and cultures. This results in the creation of two types of personalities:

- (1) Those who come from orthodox homes, having an emotional attachment to Islam, become dogmatic in their outlook and thus Islamic values assume a totally unrealistic character in the common eye.
- (2) Those who, reaching the university level and coming into contact with history, philosophy and other branches of Islam through their textbooks and varied literature, develop an academic outlook on Islam, and thus become, in most cases, apologetic, by trying to be ultra-rational. Both these types of personalities are far removed from the real concept of Islam.

The Solution

"(Verily in the messenger of Allah ye have a good example for solving all your problems and seeking the pleasure of Allah)".
(al-Qur'an).

The Holy Prophet had to perform the most onerous task of educating the people and propagating Islam all alone in the first instance; gradually he managed to organise a very small party of the faithful who stood by him in delivering the Divine Message. Let us see what he did to bring about an unparalleled revolution amongst a country's people who knew no law and were opposed to any change in their way of life.

He laid down certain basic principles (known as the Articles of Faith) for all who would like to enter the fold of Islam. Then he showed certain practices that provided organisation and discipline to the new community. In a very short span of time he trained a group of devotees who were chosen to guide the destiny of mankind.

While he stayed in Mecca, the Holy Prophet trained a number of persons and sent them to Madina, which was destined to be the first Muslim state of the world. To the parties coming to Mecca, he also provided education and training in the principles and practices of Islam; and these, in turn, conveyed the message of Islam to the people of Madina.

The structure of Islam was so raised that, on the one hand it strengthened the spiritual and intellectual side of Muslims and, on the other, took care of such problems that were likely to arise.

Here two important factors are to be kept in mind: (a) that the Qur'an was revealed in the very language of the people, and (b) that the last Prophet was raised from amongst themselves. These two basic principles in education — instruction in one's own language and through one belonging to one's own clan and culture — and the directions given by the Holy Prophet lead to the solution of the problems that confront us today in the field of education of the Muslim minorities.

In all the Muslim minority areas, it is neither possible nor advisable to look upon foreign elements, even if they may be Muslim, for opening at random schools or *madrasahs* in any large number. It will, however, certainly be advisable to select a few persons from the Muslim minorities and give them such education as will broaden their outlook, so that when they return home they may be able to impart a balanced education to the people of their countries.

It is suggested that a few honest and promising students or even elderly persons from among the Muslims of these areas may be selected and given education in subjects bearing on Islamic learning, such as *Tafsir*, *Hadith* etc., and they may also be taught some modern subjects, such as social sciences, philosophy, Islamic history. The whole course of their studies should be organised in such a way that Holy Qur'an remains the fountain-head of all their knowledge, and the entire system of

education is knit together with the principle of Tauhid, so that they may develop an all-round personality, shaking off the futile and misleading concepts of secular and non-secular education. It must be realised that it is not the education that is secular or non-secular but it is the power gained through it that makes it useful or harmful. The second important element in improving the *madrasah* education in the under-developed areas is to provide good books and other reading material in their respective languages. This can be done in two ways:

It will be advisable to open one centre in South Africa for writing and publishing books in various languages of Africa. The possibility of having a team, consisting of scholars of Islamic subjects and forming a sort of a Darul Mosannifin, has to be explored to undertake this great task both on a short term and a long term basis. A careful survey of the various areas has to be made to have a first-hand knowledge of the books available in various languages. Besides, literature on the basic principles of Islam and its practical aspects and books on the life of the Holy Prophet and his Sahaba have to be published. Booklets containing verses from the Qur'an and extracts from the Hadith should be compiled and translated in local languages. It should also be made possible to produce graded books for young children and boys, not only on the theological aspects of Islam but also on all the aspects social, economical, cultural, educational. It is also essential to publish Islamic stories that might awaken in the students a desire for knowledge and an ambition to discover and cultivate in their own selves basic values such as honesty, hard work, patience, forbearance and love of knowledge to help them mould their lives in conformity with Islamic ideals. A large number of books in various languages have already been written for adults; and this work can certainly be taken up with great advantage by the Muslims of the majority areas for the benefit of their brothers in the minority areas. On the other hand, every possible assistance in

men, material and money should be provided, if such 'Writers' Homes' are to be built up and developed in various minority areas of the under developed countries. This will go a long way to inculcate in the people the basic values of Islam and to provide them with basic knowledge. This will also help to a great extent in producing follow-up literature. In many cases, documentary films for adults can also be produced.

It will also be most profitable if men of knowledge are sent to these areas in a planned manner to develop in the people a high sense of social consciousness, human dignity and service to mankind, maintaining unity in their own ranks and files.

Perhaps no proper attention has been paid in any under developed country for meeting the educational requirements of young girls and grown up women. Young girls do go to schools or *madrasahs* along with boys, but they do not have, in many cases, the facilities of secondary or higher education.

It is therefore suggested that special training institutes for women teachers be started in various under developed areas, first experimentally at some important places like Cape Town, Durban, Johannesburg, in South Africa. These institutions can be organised with the assistance of the local philanthropists, educationists and ulema of the respective areas; and every care should be taken to maintain our cultural heritage and traditions and to gain the confidence of the masses, particularly of the womenfolk.

It is also suggested that a detailed survey of the various Muslim minority areas be made in consultation with the local people to find out the priorities that are to be assigned to the educational projects in any particular area. For instance, in certain cases it would be very useful to give technical training along with general education at *madrasahs*. In certain other cases, it may be advisable to introduce modern subjects along with the religious ones. Similarly, in certain areas it may be possible to start modern style primary and secondary schools,

maintaining the unity of approach and purpose which is the essence of *Tauhid*.

In most of these areas, Muslims are not fortunate enough to get admission in professional institutions or even in universities. Hence, in the teaching institutions of Muslim countries some seats may be reserved for the Muslim students of the minority areas. Besides, some students may also be awarded scholarships, but care must be taken to select students who are sincere to their studies and are devoted to the Islamic way of life, having full consciousness of their duty towards their respective country and particularly their own community to which they have to return after the termination of their academic careers.

Asian Countries

This sector includes mostly the countries of South and South East Asia which are not under Communist influence.

INDIA: India is a multi-lingual and multi-cultural country. Today its Muslim population is over 80 million, a number larger than that of the Muslim population in Pakistan. Muslims are scattered over all parts of the country and are frequently subjected to serious hardships. All the same, Muslims are fortunate in having a strong consciousness of their cultural identity and also in having strong organisations to push their cause through. They still have some very great institutions, which once produced eminent scholars and leaders in all fields, such as the Aligarch Muslim University, the Jamiyah of Hyderabad-Deccan, the renowned religious centres and *madrasahs* at Deoband, Saharanpur, Nadwa and Lucknow. The language of the vast majority of Indian Muslims (Urdu) is not accepted as a National Language and religious subjects are not taught in any of the Government schools in India. But the Muslims have been able to establish their own private schools. And despite Hindi being the official language and also the

medium of instruction, they maintain a strong link with their own cultural heritage through their own languages — Urdu and Arabic. In many cases they have started parallel schools for imparting religious education to their children. This has enabled them to preserve the Islamic values and to adhere to their inherent faith (Islam) in both principle and practice.

All over the country, their home environment, in spite of the diversity of culture, is representative of Islamic values. They provide early education to their children through their home environment and teach the Holy Qur'an and Islamiyat at home. This is fully reflective of their religious fervour and emotional loyalty to their ideal, which plays an important role in every educational system. Nevertheless, due to economic, cultural and environmental pressures of the Hindu majority, the new generation of Muslims in India is gradually losing its hold on Islamic values. This is due to several factors: the national language is largely Sanskritised Hindi, the school textbooks lay stress on Hindu superiority, even though the Indian constitution professes secularism for all. It is a systematic brain-washing of the young Muslims. Due to widespread communal antipathy against Muslims, quite a large number of them, particularly of the younger generation — feel apologetic about being Muslim. In many cases, in villages particularly, Muslims have adopted Hindu dresses and manners.

However, as we can well understand, their requirements are of a higher nature, and some of these may be spelled out as below:

1. Organisations such as Darul-Musannifin of Azamgarh, and research centres at Lucknow, Delhi, Hyderabad, Bhopal, Ajmer Sharif, need substantial aid so as to enable these institutions to maintain their standard and develop research work, by paying reasonable remuneration to scholars and by publishing their research work. This may

be supplemented by printing books in Hindi and by *Tabligh*. Men of character and learning should form conclaves for training others. They should tour rural and urban areas and, by devotion to the cause, by actions and speeches, should inculcate among the people a pride for Islam.

2. In order to provide young students with respectable and promising jobs, particularly in engineering, medicine and scientific fields, they need special scholarships for their students to study abroad in Muslim as well as non-Muslim democratic countries; not only to develop their talents and to contribute their share to the uplift of national life but also to maintain their position as Muslims, in their multi-religio-cultural society.

SRI LANKA: A small country in South Asia, having about one million Muslims in its total population of 30 millions. Sri Lanka is the second largest Muslim minority area after India. Muslims of Sri Lanka have always been above the average in looking after themselves. They have established a good number of Muslim schools, over five hundred for boys and some for girls too. Moreover, there are a large number of schools for teaching the Holy Qur'an called 'Pallikkoodams' in villages where Muslims are in a majority. There are a number of darul-ulooms; some ulema, who have received education at the 'Al-Azhar' and other Islamic centres, have given a new outlook to the *madrasah* education. The most creditable feature is that the Muslims of Sri Lanka have established the Lady Arabic College which produces lady *ulema* of reckonable calibre. Their position on the whole is very promising and they are rendering a valuable service not only to their community but to their country as well.

The Muslims of Sri Lanka recently set up an important institution called the Naleemiyah Institute of Islamic Studies. Most of its buildings have been completed with the aid of

munificent gifts by Muslim benefactors of Sri Lanka. The society which manages the institute appreciates the trust and confidence which the benefactors repose in it. The resources of the local Muslim population are, however, too limited to provide for all the necessary requirements and hence financial support by way of grants and endowments from Muslim countries is indispensable for the healthy growth of this institution. Besides, lecturers from abroad, books, modern teaching aids, equipment etc. are very urgently needed. Their other requirements are similar to those of the other minority areas of East-Asia, that is: scholarships for talented students for study abroad, particularly in technical and Islamic subjects, suitable books on Islamiyat in their own languages for the use of boys and adults and trained teachers.

BURMA. Burma is a Socialist Republic. In its western part, known as Arakan, the Muslims are today facing insurmountable difficulties and persecution by the majority, with governmental connivance. Islam reached Burma from the same western coast from where it is being exterminated today. The Burmese Muslims have always led a quiet and peaceful life, dedicating themselves to their own way of life and principles of faith. They have over five thousand mosques, big and small, including a few which have some area reserved for women to congregate.

Burmese Muslims have a network of *madrasahs* financed and managed by themselves. Over 60 per cent of the Muslim girls and boys receive basic Islamic education in these *madrasahs*. Besides, there are over 20 *darul-ulooms* to train *ulema* and *imams* and *khatibs*. Facilities for *hifz-e-Qur'an* and *Qir'at* are also provided in *madrasahs* and *darul-ulooms*. In addition to the *madrasahs* there are a few high schools in important cities. Muslim students are also getting professional and higher education in Government Institutions.

The paramount need of the Burmese Muslims in the field of education is the revitalizing of the *madrasahs*, staffing them with trained teachers in modern temporal subjects, such as geography, social studies, and elementary science, along with theological subjects. The *ulema* and *khatibs* trained in *darul-ulooms* have little knowledge of the modern subjects and are content with the traditional knowledge of theology. *Darul-ulooms* have, therefore, to be reoriented to be able to produce trained teachers for the *madrasahs*. This can be done in two ways: (1) Awarding scholarships to talented students for training at 'Al-Azhar' or the Madina University, (2) Engaging resident professors for the *darul-ulooms* of Rangoon, Mandalay, and reorganising one or two *darul-ulooms* on the pattern of Aleemiyah Institute, Karachi, and Naleemiyah Institute, Ceylon.

Although some libraries in Burma have books on Islam and other religious subjects, the number of such books is not adequate. It is also not easy to import books there because of certain technical difficulties concerning import licenses, foreign exchange, etc. It is, therefore, suggested that an organisation of local scholars be formed and attached to one of these *darul-ulooms*, first to make a survey of their requirements in books and then to prepare textbooks and other reading material in their own language.

Since the Muslims of North Arakan, known as Rohingyas, numbering over five hundred thousand, are not allowed to visit other parts of the country except on permit, they are living more or less a secluded life, cut off from their brother Muslims in other parts of Burma. This fact alone has created special educational problems for the Arakan Muslims. There is need for providing better schools and colleges and also for improving the *madrasah* education in the areas. Special scholarships might be awarded to the people of this area and special facilities

provided for their students to have a higher and professional education in Muslim countries.

THAILAND: It is the most important Muslim minority area of South East Asia. Muslims form the largest religious minority in the country and the rest are spread over other areas of Thailand. The Muslims of the south are of Malayan origin and speak the Malayan language, whereas those in the north speak Thai.

In Thailand, Government schools teach only modern subjects. As such Muslims have to send their children to *ponduks* schools which provide education in the Qur'an, Arabic, Hadith, Fiqah, Tafseer, etc. This leaves little opportunity to their children to enter Government service. They are unfortunate in that they do not have any higher centres of learning and have to send their children to various Muslim countries for higher education.

The educational requirements of the Thai Muslims are three:

- (1) There is urgent need to introduce modern subjects in *ponduk* schools and to provide Islamic education to the students studying in Government schools.
- (2) A small number of students may be selected at the *ponduk* every year for higher training at 'Al-Azhar', 'al-Aziz' or Madina University.
- (3) The language problem needs serious consideration as the students of the south, generally, do not study the Thai language and those who have had Thai as the medium of instruction have no liking for Malayan. This barrier needs to be removed and both Malayan and Thai should be introduced in all the schools of north and south Thailand and also at the *madrasahs*.

Similarly, Muslim minorities of the countries, like Singapore

and the Philippines, equally need trained teachers, suitable books and scholarships for education abroad.

Muslims in the West

Muslims in European countries number over five million and a majority of them have gone there to look for better opportunities in the fields of education, trade and commerce, while a small number have found the Western way of life to their liking. Quite a few are also those who belong to these countries as the sons of the soil and embraced Islam, of course, by conviction. This state of affairs has given rise to various problems — educational, social and cultural.

Most of the Muslims permanently living in the West come from different countries, having different languages and cultures. They have married western girls who, although they have embraced Islam, have imported into their new homes, their own culture and inherited tendencies. This has created immense social and cultural problems not only for themselves but also for their children and for their 'worse halves'. In fact, almost all the ills that have crept into western society have found an inlet into these homes; and Muslims are at a loss to understand how to ward them off. It will not be inappropriate to say that many of these Muslims have no idea as to how they can retain their identity as Muslims and how they can educate their children in a way that they might be able to adhere to the Islamic values.

In several countries like France, Germany, Denmark, Holland and the U.S.A., Muslims stand at a nominal percentage of the total population varying between 5 and 2. In all these countries the problem of maintaining their values and providing education to their children has become very difficult. True, in the U.S.A., Canada, and even in the U.K. some sophisticated Muslim organisations and a large number of sincere and devoted workers and their committees are doing

their best to help the Muslims maintain the Islamic identity, but the basic problem of providing Islamic education to their children is yet to be tackled. It is, however, gratifying that there is now an awakening amongst the Musalmans in several parts of the West, including the U.S.A. and Canada, where they are serious about maintaining their own identity. It is precisely this emotional attachment to Islam that needs to be utilized and channelled into positive awareness and reconstruction.

While no clear thinking Muslim would today refute the indispensability of modern Western educational institutions and utilizations of their facilities, it is, at the same time, necessary to provide facilities for Islamic education, the denial of which would mean the ideological death of the Muslim community. The purpose of Islamic education in the western countries therefore should be:

- (a) To maintain the means whereby Muslims in the West remain conscious of their identity.
- (b) To ensure a dynamic element which can face the onslaught of the Western cultural influence on the minds of Muslim children.
- (c) To ensure that Muslim minorities remain conscious of their position as an ideological group with values different from those of non-Muslims.
- (d) To function as a source of information about Islam to non-Muslims.
- (e) To serve as a means for the propagation of Islam, which is the sacred duty of every Muslim.
- (f) To ultimately raise a strong ideologically integrated community for the consolidation of the *ummah* on the basis of unity.

Let us analyse the problem under two heads: (1) What can the Muslims of the minority areas individually do to integrate

Islamic values in their life through self education. (2) What joint efforts can they make and what kind of assistance can be extended to them by the various Muslim organisations.

Irrespective of linguistic, social and cultural differences in their respective countries, all of them must look for guidance from the Holy Qur'an and the Traditions. There they will find that Islam has two significant aspects: (a) *Iman* (Faith) and (b) Virtuous deeds (*Amal-i-saleha*) based on the principles of faith, social discipline and certain fundamental practices, which combined together, are called 'Deen' (Islamic way of life). Undoubtedly, the impact of faith and practice on the life of the individual and of the community is tremendous; and its influence on the home life, particularly on the education of young children, is very wholesome. No amount of lip service and pious platitudes can make any effective impression on a child's mind. It is therefore necessary that the Muslims, wherever they may be, when they wake up in the morning recite '*Kalima-e-Tayyaba*' to remind themselves the whole day of the principles which are to guide them in all their actions. The morning prayer, which they offer before going to work, ensures not merely mental tranquility but also self confidence. For this purpose they need no assistance; they need only the will to hold fast to their convictions.

The organisational structure of Islam is such that howsoever scattered the Muslims may be, they are united in the mosque at least on Fridays; and these congregations form a unifying force and lend strength to their conviction of faith. '*Khutba*' (the address of the *Pesh Imam* which forms a part of the Friday prayer congregation) is intended to highlight the important principles of Islam and to remind the Muslims of their duties and obligations to themselves and to their fellow men, irrespective of their colour, caste or creed.

There are quite a number of books in English available about basic tenets of Islam; and it should not be difficult for any

Muslim to understand and follow them. There are also good translations of the Holy Qur'an into English, particularly the one by Allamah Yousif Ali which also has a valuable commentary.

Educational requirements of the Muslim minorities of the West can again be divided into two sectors: (a) the adult population and (b) the student groups at various stages of education.

For the adults, even today some educational, social and cultural programmes are being organised by the various Muslim associations. However, there is much scope for improvement, and more useful steps can be taken through a set programme by trained social workers, primarily teachers. It is suggested that a programme of two or three weeks' training for the participants be carefully chalked out, inviting dedicated persons from various Muslim associations of the area with a view to bringing about unity of purpose and action. This group should be trained to project the positive side of Islam, highlighting its basic principles. It is through this group that the Muslims of the scattered areas will not only strengthen their own belief and faith but will also establish and develop good relations with the non-Muslim communities amongst whom they live.

There are between 50 and 100 important Muslim organisations in the U.S.A. and Canada; and I believe there are more or less 40 Muslim organisations in the U.K. I presume that there are a large number of Muslim organisations working in the various parts of the European continent, also perhaps the Islamic Council of Europe can play an important role in bringing these organisations close, providing them with needful guidance through mutual understanding and a study of the situation of the various regions. Similarly, in the United States of America, this role can be played by the Muslim League office there.

It will be rather premature to gauge the extent and the nature

of the problems that may be brought up by the representatives of the various organisations of Europe and the USA but their two common requirements deserve serious attention:

- (1) Religious instruction and,
- (2) Books for adults and children of school going age.

In the developed countries we do not have a sufficient number of mosques, nor do we have the *madrasahs*. Moreover, in Western countries the teaching of Islam after the pattern of the *madrasah* will be a futile venture. Education must be viewed as a whole and there cannot be two systems of education and two channels of organisation diametrically opposed to each other. The biggest problem is the time factor. Islamic education does not form part of the curriculum in Western schools; and, therefore, it can be taught only after school hours. This raises a psychological conflict in the mind of the Muslim child. After attending classes for 4 or 5 hours in a secular school, the child, in most cases, is too tired to take up instruction in any *madrasah* type enclosure. Hence, some type of Sunday morning schools should be opened first as an experiment in mosques providing instructions by such trained teachers who can bring to the young mind a synthesis between the subject taught in the schools and Islam, and then dwell on the technique necessary for the development of the spiritual side of life which is totally ignored in the school.

In addition, it is suggested that a 40-day intensive course of Islamiyat be prepared and imparted to students during long vacations at certain selected schools or other places. This will not only provide basic skills and values but will also help develop healthy character.

Secondly, suitable books and other reading material should be made available to both adults and children for their primary and higher stages. This is a very important matter. Unfortu-

nately, not much has been done in this respect even in European countries. True, some very useful books on Islam have been written, but they are useful only for the mature minded Muslims and non-Muslims. The need of books which can introduce to the young children the basic Islamic concept unconsciously cannot be over emphasised. Thousands of Muslim children, boys and girls of elementary and primary schools, would require Children's Series starting from the alphabet and nursery rhymes to interesting short stories. It is through these elementary books that young boys can be given an emotional attachment to Islam.

Communist Countries

Under this sector are bracketed the communist and socialist countries, where every attempt is being made to create a godless society. History provides innumerable instances of how Muslims have had to suffer oppressive and suppressive treatment at the hands of non-Muslims because of their faith and inherent love for Islam. There can be no better illustration of the truth than what is given in the pages of the history of communist countries, particularly the Soviet Union.

Tsarist Russian Empire had the third largest Muslim minority population in the world — about 15 to 18 million. They were living scattered in all parts of Russia, but in the main cities of European Russia there always lived large groups of Muslims, well advanced materially and culturally. A Religious Council of Muslim Russians was established in Ufa as early as 1788 as also a Board of 'Quazis', and the former continued to be officially recognised up to the time of revolution in 1917. Following the declaration of 1917, a central commissariat for Muslim affairs was appointed by Stalin to propagate the communist ideology amongst the Muslim population. The initial experiment was made on Tartars and Bashkirs whose fate is well known.

According to records of the Religious Council, there were 7,800 communities attached to the office of the Mufti and the number of mosque-schools was no less than 8,000, which included some secondary schools also. They were not in any way supported by the Russian Government, yet the Muslims found them useful. These institutions were open to Bashkirs, Kazaks and the people of Turkistan. They played an important role in the enlightenment of the Turkish Muslims and their literacy in Kazan province figured as high as 50 per cent. The religious books published before 1917 included serious studies on Islam and Islamic philosophy. It appeared that there was a real awakening amongst the Russian Muslims; but soon after the Revolution all *madrasahs* were closed down and all religious instruction was banned. Muslims had also to pay a very heavy toll for their faith in Islam. A very large number of Muslims, particularly the *ulema*, were killed on various occasions and on various pretexts. Many attempts were also made to exterminate the belief in Islam through village schools and to popularize communist ideology, but such designs provoked serious reaction.

Recently, extermination campaigns lasted for 5 years from 1963 to 1968 during which period religious and cultural leaders of the Muslim population were wiped out. Some 6 to 7 thousand 'Mullahs' and intellectuals from Woulga-Ural area alone were arrested and sent to Siberia to rot in exile.

Thus all efforts made by Muslims were set at naught and by and large even *Imams* and the *Moazzins* of the mosques were so heavily burdened with numerous taxes that this group too dwindled, if not exterminated. Even today, in lands like Azerbaijan, Kazakstan, Tajikistan, Turkemistan and Kirgistan the Muslims form over 75 per cent of the population and there are about 2,000 mosques. Though the mosques are not formally closed down, they have certainly been made ineffective as organised religious teaching is not permitted and the religious

preaching in mosques is also under the control of Government agencies. On top of that, there is a vigorous atheistic propaganda which adversely affects the basic values of Islam, and through socio-economic pressures young Muslims have been diverted to think more and more in terms of communist ideology. Today they hardly know a Muslim life and what are the basic teachings of Islam. Even the Holy Qur'an has been translated in a way to strengthen the communist ideology. The Muslims of China are faring the same fate.

The needs of the Muslims in Communist countries in the field of education warrant serious attention of Muslim intelligentsia. Almost the entire Muslim population of U.S.S.R. has to be educated afresh in the basic principles of Islam. It is true that we cannot do much for our brothers and sisters living behind the Iron Curtain, but whatsoever little we can do must be done in all sincerity and devotion to Islam and not for any political gain.

It is indeed very creditable on the part of the Muslims of the Communist countries that in spite of so many acts of suppression and oppression and regardless of constant setbacks and handicaps, many of them are maintaining their identity as Muslims and even visit mosques for Friday congregational prayers whenever they get an opportunity. There are only two mosques in Moscow — one is closed down and the other is visited by over a thousand faithfuls every Friday and by a very large number of Muslims on the Eid day. This is a clear indication of their attachment to Islam.

In the case of Communist countries also the two basic principles of Islamic education have to be kept in mind.

- (1) Education should be imparted through teachers belonging to the respective countries of the students and through books written in their own languages.
- (2) A larger number of books on Islamic teachings should be produced in their respective languages, giving top priority

to simple and effective translations of the Holy Qur'an into Russian and Turkish languages. Similarly, books on the life of the Holy Prophet and some famous Muslim scholars of Russia, such as Imam Bukhari, Ibn-i-Seena, should be written in attractive style and presented in charming get-up.

It is also necessary to use all media of communication — radio, television, newspapers, journals etc. — to publicise Islamic teachings through neighbouring countries. Programmes on recitations from the Holy Qur'an with its translation in local languages, narration of the life stories of the Sahaba and great Muslim divines can be taken up with advantage. But all this has got to be done in a very impressive, rational and logical manner.

It may not be out of place to mention that Islamic teachings and the dynamic force of our faith will reach the world not through our research work, or by force, or by looking into the needs of the Muslim minority areas alone, but through our constant efforts to mould the life of all the Muslims of the world according to Islamic teachings and divine injunctions. Today, Muslim countries are in a very good position to produce personalities symbolising the truth of Islam and setting concrete examples of what the Holy Qur'an wants man to be — firm in faith, generous in behaviour, sympathetic and honest in dealings with Muslims and non-Muslims alike, and above all maintaining constant communion with Almighty Allah through *Salaat* and *Zikr* (Prayers and Remembrance).

Let us hope that this new move to bring Muslim minorities closer to the Muslim majorities through a system of Islamic education will enable the *ummah* to stand united for the common goal of Tauhid.

Footnotes and References

1. Education of Muslim Minorities by Dr. Asad Hussain.
2. Islamic Education of Muslim children in the West by Afzal Rehman.
3. 'Surveys' presented in the first World Conference on Muslim Education held at Mecca in 1977, and later compiled by the King Abdul Aziz University, Saudi Arabia.
4. Besides, some Ummah publications were used for minor statistical data, e.g. World Muslim Gazetteer, Muslim Minorities of the World.
5. P. M. Holt, Ann K. S. Lambton and Bernard Lewis.
6. The facts and figures relating to South Africa have been obtained from Research Notes of Mr. Sulaiman Peterson, Fellow of the Aleemiyah Institute, who is a South African national.
7. Most of the information used in the paper is based on personal observations and discussions with the nationals of different minority areas studying at the Aleemiyah Institute and with a few scholars who had a chance to visit the Communist countries.

Appendix I**Welcome Address:**

Salem Azzam

Excellencies, Brothers and Sisters,

I am very happy to welcome you to the International Seminar which has been sponsored by the Organisation of the Islamic Conference with a view to focusing attention on the life style of several hundred million Muslims who live as minorities in non-Muslim states.

This is the first world gathering of its kind and I hope its deliberations, spread over five days, will help the growth of harmonious relationships between Muslim minorities and non-Muslim majorities.

The interest which the Muslim world is taking in the affairs of their brothers is but natural and should not cause any concern or misgivings in any quarter, particularly at a time when the observance of human rights is being discussed in various world forums.

We Muslims have reasons to rejoice that the world today has taken up the issue of human rights in all seriousness. For it was Islam which, nearly fourteen centuries ago, gave this concept to mankind in positive terms. Islam lays great emphasis on the equality of man, irrespective of race, colour or religion. The Holy Qur'an says:

"O ye who believe! Be steadfast witnesses for Allah in equity, and let not hatred of any people seduce you that ye deal not justly. Deal

justly, that is nearer to your duty. Observe your duty to Allah. Lo! Allah is informed of what ye do.”

Islam not only preached equality of man but also made the application of human rights obligatory on all governments. In Islam human rights are inherent rights and no government can curtail or suppress them. They are a man's birth-right and no legislation can be found to suppress them.

In Islam, all moral values, justice and equality are to be held sacred and practised irrespective of difference of religion. Their authority is dependent only on their equity, which recognises no distinction between man and man.

The history of Islam is full of instances of Muslim states giving protection, security and equal freedom of action to non-Muslims. When the first Muslim state of Medina was established, Prophet Mohammed (Peace Be upon Him) assured the Jews that neither would they be oppressed nor would there be any Muslim communal agitation against them. To the Jews their religion and to the Muslims their religion, he declared. and since our Prophet laid down these fundamental principles the land of Islam became the safe refuge for the Jews whenever they were persecuted. The principles of religious tolerance and respect for human rights have been enshrined in the hearts of Muslims.

The issue of Muslim minorities is not a new one. Several efforts have been made in the past to shed light on it. Most of these efforts were, however, confined to the study of conditions in a particular country or region. The London seminar is the first attempt to deal with the subject on a comprehensive, world-wide basis.

The first order of business in any such attempt is to review basic data relating to Muslim minorities — their demographic composition, ratio to total population, economic activity, educational structure, political participation, socio-religious

conditions, and so on. Despite the long standing interest in the welfare of Muslim minority groups in different parts of the world, accurate and reliable information in the above categories is still hard to come by. The seminar will attempt to fulfil this need. Several speakers will present a review of Muslim minorities all over the world.

It is a matter of concern that rights of Muslim minorities continue to be flouted by several non-Muslim states, notwithstanding their adherence to the Declaration of Human Rights and other conventions. The recent happenings in Burma, the Philippines, Thailand, Cambodia, India, Ethiopia, and a number of other countries have shocked the conscience of all those who believe in human rights. The situation in most East European countries is also far from encouraging. Unfortunately, merely on the basis of religion, Muslims are being persecuted politically, economically and socially. We Muslims do not ask for any privileges for Muslim minorities. We only ask for equal treatment and opportunities for them. They should not be discriminated against for being Muslims.

The signing of the Helsinki accord for the protection of human rights is a step in the right direction. It gave rise to hopes that its application would be universal and that it would give confidence to all minorities.

The world media has recently raised its powerful voice in favour of some individuals who are being persecuted in violation of human rights. This is a move in the right direction and we support all steps for upholding human rights. We appeal, however, to the media and world leaders not to confine the human rights struggle to the narrow limits of geo-political boundaries. The media should protest wherever rights of man are threatened irrespective of race, religion, or culture. There cannot be different standards for judging rights of different human beings. There must be only one yardstick whether the victim happens to be black or white, lives in the East or the

West, belongs to one religion or the other. Human rights have universal application and any attempt to confine them to narrow limits will be counter-productive.

The Muslim countries, by the grace of Allah, are rich, not only in cultural heritage but in material resources as well. It is their religious duty to support morally, culturally and financially those Muslim minorities which are in need of assistance. I am sure the Muslim countries are aware of their obligation in this connection and the fact that the decision to hold this International Seminar was taken by the Foreign Ministers of the Muslim countries at their meeting in Tripoli in 1976 is an indication of their interest in the welfare of their brothers. I also note with satisfaction that the organisation of the Islamic Conference, under the guidance of its Secretary General Dr. Karim Gaye, has taken the initiative to tackle vigorously the problems faced by the Muslim minorities. The lead given by him has been followed by other organisations like the Muslim World League, Mecca, The Islamic Development Bank, and King Abdul Aziz University, Jeddah, which has set up a separate department to study the affairs of Muslim minorities.

The Islamic Council of Europe has also been striving to safeguard the rights of Muslim minorities. It has unreservedly extended both moral and material support whenever they were victims of persecution.

While Muslim countries are duty bound to come to the rescue of their Muslim brethren, I would be failing in my duty if I do not caution the Muslim minorities against depending too much on outside help. Their ultimate salvation lies in their adherence to the principles of Islam and self-help. They should strive to take a positive role in the political, social and economic life of their countries.

I take this opportunity to place on record my thanks to H.E. Dr. Karim Gaye, Secretary General, Islamic Secretariat, for the

concern he has shown and the efforts he has made for the cause of Muslim minorities. I am sure all the delegates will join me in complimenting Dr. Gaye, and the Assistant Secretary General, Mr. Zafarul Islam, for their services to the cause of Islam. I also express my sincere thanks to Dr. Ezzuddin Ibrahim, Chairman of the Islamic Solidarity Fund, whose assistance has been a great source of strength to us. Last, but not least, I thank all my colleagues who have worked so hard to organise this Conference.

Before I conclude I wish the Seminar all success. May God guide its deliberations on the right lines for the greater glory of mankind.

Appendix II

Programme of the Seminar and List of Delegates

Inaugural Session - Monday, 24th July, 1978, 10.00 a.m.

Recitation from the Holy Qur'an — Welcome Speech by Mr. Salem Azzam, Secretary General, Islamic Council of Europe. Inaugural Address by H.E. Mr. Amadou Karim Gaye, Secretary General, Organisation of the Islamic Conference. Address by H.E. Mr. I. S. Djermakoye, Under Secretary General, United Nations. Address by H.E. Mr. A. K. Brohi, Minister for Religious Affairs, Pakistan.

First Session - Monday, 24th July, 1978, 3.00 p.m.-4.30 p.m.

Muslim Minorities: A Conceptual Framework for Analysis of Problems.

Chairman: Dr. Najmuddin Bamat, Deputy Director General, UNESCO. Speaker: Dr. Z. Abedin, Institute of Muslim Minority Affairs, King Abdulaziz University, Jeddah, Saudi Arabia. *Discussion.*

Second Session - Monday, 24th July, 1978, 5.00 p.m.-6.30 p.m.

1. *Muslims in Western Europe.*

Chairman: Mr. Mohammed Aman Hobohm, Embassy of the Federal Republic of Germany, London. Speaker: Prof. Khurshid Ahmad, Director General, The Islamic Foundation, Leicester.

2. *Muslims in Eastern Europe.*

Speaker: Dr. Smail Balic, High State Librarian, National Library, Austria. *Discussion.*

Third Session - Tuesday, 25th July, 1978, 9.30 a.m.-11.15 a.m.

Evolution of the Concept of Human Rights in the West and its Implications for Present-Day Muslim Minorities.

Chairman: Dr. Ali Kettani, Special Adviser on Muslim Minorities, General Secretariat of the Organisation of the Islamic Conference, Jeddah. Speaker: Mr. Khalid Ishaque, Advocate, Supreme Court of Pakistan. *Discussion.*

Fifth Session - Tuesday, 25th July, 1978, 3.30 p.m.-5.00 p.m.

Current Status of Constitutional Rights and Religious and Cultural Freedom in Selected Non-Muslim Countries: A Case Study.

Chairman: Ambassador Ibrahim Sabri, Cairo, Egypt. Speaker: H.E. Mr. Sharifuddin Pirzada, Attorney General of Pakistan and Chairman of the Sub Commission on Minorities, Human Rights Commission, United Nations.

Conditions of Muslims in India.

Speaker: Dr. Iqbal Ansari, Aligarh Muslim University, India. *Discussion.*

Sixth Session - Tuesday, 25th July, 1978, 5.30 p.m.-7.00 p.m.

Muslims in South Asia.

Chairman: Dr. Ahmed Abdul Kader Bahafzullah, Director, Institute of Muslim Minority Affairs, King Abdulaziz University, Jeddah. Speaker: Dr. M. Rahman, Editor, *The Scanner*, London.

Plight of Muslims in Burma.

Speaker: Mr. Khalid Ikramullah Khan, Assistant Secretary General, World Muslim Congress, Karachi. *Discussion.*

Seventh Session - Wednesday, 26th July, 1978, 9.30 a.m.-11.15 a.m.

Economic, Political and Social Issues Specific to Muslim Minorities by Virtue of Their Adherence to Islam: Identification and Solution.

Chairman: Dr. Smail Balic, High State Librarian, National Library, Austria. Speaker: Dr. Ali Kettani, Special Adviser on Muslim Minorities, General Secretariat of the Organisation of Islamic Conference, Jeddah. *Discussion*

Eighth Session - Wednesday, 26th July, 1978, 11.30 a.m.-12.30 a.m.

Problems of Cultural Identity

Chairman: Dr. Mauyag Tamano, Professor of Muslim Minority Affairs, King Abdulaziz University, Jeddah. Speaker: Mr. Altaf Gauhar, Secretary General, Third World Foundation for Social and Economic Studies, London. *Discussion.*

Ninth Session - Wednesday, 26th July, 1978, 3.30 p.m.-5.00 p.m.

Muslim Minorities in the Philippines.

Chairman: Mr. Khalid Ishaque, Advocate, Supreme Court of Pakistan. Speaker: Dr. Mauyag Tamano, Professor, Institute of Muslim Minority Affairs, King Abdulaziz University, Jeddah.

Muslims in East and South East Asia.

Speaker: Dr. A. B. I. Kim, Director of Korea Muslim Federation, Seoul, Korea. *Discussion.*

Tenth Session - Wednesday, 26th July, 1978, 5.30 p.m.-7.00 p.m.

Survey of Muslims in South Africa, Rhodesia, Botswana, Malawi and Mozambique.

Chairman: Dr. Mabid Ali Al-Jarhi, Islamic Development

Bank, Jeddah. Speaker: Ibrahim Jadwat, Coordinator, Southern Africa Islamic Youth Conference, Durban, South Africa.

Muslim Personal Law in India.

Speaker: Mr. E. Sulaiman Sait, M.P., President, Indian Union Muslim League. *Discussion.*

Eleventh Session - Thursday, 27th July, 1978, 9.30 a.m.-11.15 a.m.

Educational Needs of Muslim Minorities — Nature and Extent of the Problem.

Chairman: H.E. Ambassador Walid Sadi, Representative of Jordan to the United Nations, Geneva. Speaker: Dr. Hamid Hassan Bilgrami, Director, World Federation of Islamic Missions, Karachi.

Basic Education for Muslim Children — A Practical Model.

Speaker: Dr. Yusuf Ali Eraj, President of Muslim Welfare Society, Nairobi, Kenya. *Discussion.*

Twelfth Session - Thursday, 27th July, 1978, 11.30 a.m.-12.30 a.m.

The Coming of Islam to Japan and the Muslim Community Today.

Chairman: Dr. Mustafa Kamal Wasfy, Vice President, Council of State, Cairo. Speaker: Prof. A. K. Saito, Coordinator, Council of Muslim Associations, Japan. *Discussion.*

Thirteenth Session - Thursday, 27th July, 1978, 3.30 p.m.-5.00 p.m.

Muslims in The Soviet Union.

Chairman: Prof. Khurshid Ahmad, Director General, Islamic Foundation, Leicester. Speaker: Dr. S. Maslouh, Faculty of Dar Al Aloum, Cairo, Egypt.

Muslims in Yugoslavia.

Speaker: Dr. Ahmad Smajlovic, Secretary General, Islamic Council of Bosnia. *Discussion.*

Fourteenth Session - Thursday, 27th July, 1978, 5.30 p.m.-7.00 p.m.

Muslims in North America.

Chairman: Dr. Abdullah Nasseef, Vice President, King Abdulaziz University, Jeddah. Speaker: Prof. Asad Husain, Professor of Political Science, Northeast Illinois University, Chicago, U.S.A.

Islam in Australia.

Speaker: Dr. Mohammed Ali Wang, President, Australian Federation of Islamic Councils, New South Wales, Australia. *Discussion.*

Fifteenth Session - Friday, 28th July, 1978, 9.30 a.m.-10.30 a.m.

Muslims as Migrants — The Scandinavian Case.

Chairman: Tan Sri Abdul Aziz bin Zain, Muslim Welfare Organisation, Kuala Lumpur, Malaysia. Speaker: Dr. Muhammad Anwar, Senior Research Officer, Commission for Racial Equality, London. *Discussion.*

Sixteenth Session - Friday, 28th July, 1978, 10.45 a.m.-12.00 a.m.

Islamic Education of Muslim Minorities: Role and Responsibility of Muslim Countries.

Chairman: H.E. Al-Haj Maitama Sule, Chief Commissioner of Public Complaints, Nigeria. Speaker: Dr. Zaki Badawi, Director, Islamic Cultural Centre, U.K.

FRIDAY PRAYER — 1.15 p.m.

Concluding Speech, 6.00 p.m.

H.E. Mr. Zafarul Islam, Assistant Secretary General, Organisation of the Islamic Conference, Jeddah, Saudi Arabia.

RESOLUTIONS**LIST OF DELEGATES**

ABEDIN Syed Z., Saudi Arabia
 AHMAD Khurshid, United Kingdom
 AHMAD Rabi Hasan, United States
 ALAM Syed Khursheed, Saudi Arabia
 AL ARABY K., United Nations
 ALI Ahmed Mohammed, Saudi Arabia
 ALI Muazzam, United Kingdom
 ANSARI Iqbal, India
 ANWAR Muhammad, United Kingdom
 ASHRAF Ali, Saudi Arabia
 AZIZ Tan Sri Abdul, Malaysia
 AZLAE Abdul Wahab Doucourse, Mauritius
 AZZAM Salem, United Kingdom
 BAHAFZULLAH Ahmed Abdul Kader, Saudi Arabia
 BAMAT Najmuddin, France
 BALIC Smail, Australia
 BILGRAMI Hamid Hassan, Pakistan
 BROHI A. K., Pakistan
 DJERMAKOYE Issoufou, United Nations
 ERAJ Yosuf Ali, East Africa
 ESOOF Mahmood Dawood, Burma
 FARUQI Ismail, U.S.A.
 GAUHAR Altaf, United Kingdom
 GAYE Amadou Karim, Saudi Arabia
 HAMID Abdul Wahid, Trinidad
 HOBOHM Aman, United Kingdom
 HUSAIN Asad, United States

IBRAHIM Ezzuddin, United Arab Emirates
 ISHAQUE Khalid, Pakistan
 ISLAM Zafarul, Saudi Arabia
 JADWAT Ibrahim, South Africa
 JAHRI Mabdi Ali Al, Saudi Arabia
 KHALEED M. C., Sri Lanka
 KETTANI Ali, Saudi Arabia
 KHAN Khalid Ikramullah, Pakistan
 KHAN Sultan Mohammed, United States
 KIM A. B. J., South Korea
 KINANI Abdul Halim Khaldoun Al, Paris
 MAIDIN Abu Bakar, Singapore
 MASLOUH S., Egypt
 MOHIT Tamin Dar, Japan
 NADWI Syed Habibul Haq, South Africa
 NAJMUDDIN Y., India
 NASSEEF Abdullah, Saudi Arabia
 PIRZADA Sharifuddin, Pakistan
 QUTB Mohammed, Saudi Arabia
 RAHMAN M., United Kingdom
 RAHMANI Abdul Rauf, Nepal
 SABRI Ibrahim, Egypt
 SADI Walid M., Jordan
 SAHIN Ahmad Fuad, Canada
 SAIT E. Sulaiman, India
 SAITO A. K., Japan
 SMAJLOVIC Ahmad, Yugoslavia
 SULE Al Haji Maitama, Nigeria
 SULEIMAN Abdul Abu, Saudi Arabia
 TAMANO Mauyag M., Saudi Arabia
 TUET Kasim, Hong Kong
 WAHBY Mohamed, Arab League
 WANG Mohamed Ali, Australia
 WASFY Mustafa Kamal, Egypt

Appendix III

Seminar Declaration

WE THE PARTICIPANTS IN THE SEMINAR:

- I. 1. (a) Affirming the commitment of Islam to the values of justice, human dignity, tolerance and the inalienable rights of man;
- (b) Aware of our sense of belonging to the *Ummah* which transcends geographical, racial and political boundaries;
- (c) Conscious of our divinely ordained duty to struggle for the relief of the oppressed of mankind wherever they be;
- (d) Realizing that at no time in history was there a greater need for concerted efforts, individual as well as institutional, in this direction:

YET AT THE SAME TIME:

2. (a) Regretting the systematic denial of human and civil rights of Muslim communities in some Communist and non-Communist lands;
- (b) Condemning the recent brutal persecution of Muslims in Ethiopia, Eritrea, the Philippines, Thailand, Burma and Cambodia;
- (c) Viewing with apprehension the inability of the

government of India to prevent the widespread incidence of communal riots in the country;

- (d) Noting with deep anguish the continued violation of the sanctity and the rightful sovereignty of the city of Jerusalem and affirming our commitment to the restoration of the integrity of the Holy City as an integral part of the heritage of Islam:

RESOLVE TO:

- II. 1. (a) Call upon all governments to take effective measures to enforce human rights within their jurisdictions, provide constitutional safeguards and establish socio-political instructions to ensure justice, freedom and equality for all irrespective of race, ethnic origin, religion or culture.
- (b) Urge all countries where Muslim communities reside to recognise their right to pursue the Islamic way of life and to provide them opportunity for the expression of their Islamic identity in all its manifestations.
- (c) Suggest to the Government of India to repeal the provision in the Indian Constitution for a uniform civil code in order to guarantee the inviolability of Muslim Personal Laws.

URGE ALL MUSLIM STATES TO:

- 2. (a) Extend full support, with due regard to sovereignty of states, to Muslim communities in non-Muslim states whenever their rights are threatened, or whenever they suffer from discrimination and persecution.
- (b) Assist Muslim communities in non-Muslim countries in preserving and strengthening their religio-cultural identity by establishing social

institutions such as schools, hospitals and orphanages with a view to saving their future generations from alienation and cultural assimilation

- (c) Offer scholarships, job opportunities and training facilities in professional and technical fields to members of Muslim Communities in non-Muslim states and arrange a programme of educational and cultural exchange.
- (d) Give preferential treatment in their immigration laws to Muslim individuals from non-Muslim countries, independent of the policy adopted towards the governments of such individuals.
- (e) Incorporate into their own educational systems provisions enabling students to be informed about various aspects of the life of Muslim minorities.
- (f) Above all, to speedily accomplish in their own jurisdiction the goal of transforming existing constitutional and legal structures which are a legacy of the colonial past into conformity with the Islamic *Shariah*.

URGE ALL MUSLIM COMMUNITIES TO:

- 3. (a) Make efforts to preserve their Islamic identity, strengthen the fraternal bonds with the Ummah and at the same time participate fully in the life of their societies or residence.
- (b) Make efforts to arrive at an accurate estimate of Muslim populations in their countries and to undertake in-depth sociological studies concerning various aspects of their life.
- (c) Be financially independent and self-reliant in funding their mosques, religious schools and other Islamic institutions.

**WE THE PARTICIPANTS IN THE SEMINAR,
FURTHER:**

4. (a) Call upon the Organisation of the Islamic Conference, the Islamic Solidarity Fund and the Islamic Council of Europe to set up a permanent international commission with headquarters in London to monitor the conditions of Muslim minorities and whenever necessary take appropriate measures to deal with any situation of discrimination, injustice and denial of human and civil rights.
- (b) Urge the above organisations to establish an International Muslim University of Science and Technology that would enable Muslims from all parts of the world, and particularly from Muslim communities in non-Muslim states, to pursue advanced modern knowledge and research within the framework of Islamic belief and in consonance with the spirit of Islam.

**FINALLY, WE THE PARTICIPANTS IN THE
SEMINAR:**

- III. 1. (a) Welcome the declaration by the Secretary General of the Organisation of the Islamic Conference concerning the setting up of a "Department of Muslim Communities in Non-Muslim States" at the Secretariat General in Jeddah. We request the Secretary General to give top priority to the establishment of this department so that the tasks assigned to it may be carried out speedily.
- (b) We note with satisfaction the offer made by the Chairman of the Islamic Solidarity Fund to extend financial cooperation to projects relating to Muslim minorities of the world, and hope that this support

shall be available adequately and soon.

- (d) We greatly appreciate the efforts of Mr. Salem Azzam, Secretary General of the Islamic Council of Europe for organising, H.E. Dr. Karim Gaye, Secretary General and Mr. Zafarul Islam, Assistant Secretary General of the Organisation of the Islamic Conference and Dr. Ezzuddin Ibrhaim, Chairman of the Islamic Solidarity Fund for sponsoring and the Institute of Muslim Minority Affairs, King Abdulaziz University, Jeddah, for cooperating in this first International Seminar on Muslim Communities in Non-Muslim States.
- (e) We also note with appreciation the message of good wishes sent by the Secretary General of the United Nations to this Seminar and are grateful to H.E. Mr. I. S. Djermakoye, Deputy Secretary General for attending the Seminar on behalf of the Secretary General of the U.N.
- (f) Finally, we submit ourselves in gratitude and thankfulness to Almighty Allah for enabling us to gather together in this noble cause. We earnestly pray to Him for continued guidance and hope that our efforts shall be acceptable unto Him. May Allah's blessings be upon all.

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